



**AGENDA
PLANNING COMMISSION OF THE
CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JUNE 27, 2022
7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

2. APPROVAL OF AGENDA

3. APPROVAL OF THE MINUTES

A. Minutes of the Planning Commission meeting on May 23, 2022

4. CASE ITEMS

A. **Case No. 22-12-V:** A request by **Kris & Kasey Birch** for the following four variances: a variance from the side yard setback, per Code Section 1303.040, Subd.5.c.2, a variance from the street side setback for the garage, per Section 1302.030, Subd.4; A variance from the street side setback for the principal structure, per Section 1303.040, Subd.5.c.1; and a variance from the average lake side setback, per Section 1302.040, Subd.4.c; all in order to demolish the existing single-family home and construct a new single-family home at the property located at the 4324 Cottage Park Road.

B. **Case No. 22-3-LS & 22-13-V:** A request by **Rollo Strand** for a minor subdivision, per Code Section 1407.030, to until two historic lots of record and a variance from the side yard setback, per Code Section 1303.060, Subd.5.c.2, at the property located at 1986 Webber Street.

5. DISCUSSION ITEMS

- A. Legal Training – Presented by City Attorney.
- B. City Council Meeting Summary of June 14, 2022.
- C. Park Advisory Commission Meeting Minutes of April 21, 2022.

6. ADJOURNMENT

Next Regular City Council Meeting July 12, 2022
 Next Regular Planning Commission Meeting July 25, 2022



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, MAY 23, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Erich Reinhardt, and Andrea West

MEMBERS ABSENT: Pamela Enz and Mark Lynch

STAFF PRESENT: Jason Lindahl, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator and Ashton Miller, Planning Technician.

OTHERS PRESENT: Mike & Meagan Fox, Dustin & Annie Carlson, Terri Kaiser, Sue Brewer, Matt Nuebel, Andrea Gahn, Karen Bushee, Barb DeSarro, Phil & Graham Dommer, Rebecca Pacheco, Katie Anthony, Peter Orth, Erik Peterson, and Zach Zelickson.

2. APPROVAL OF AGENDA

It was moved by Member **Baltzer** seconded by Member **Reinhardt**, to approve the agenda as presented.

Motion carried, 4:0

3. APPROVAL OF THE MINUTES

A. Minutes of April 25, 2022

It was moved by Member **Amundsen** seconded by Member **Baltzer**, to approve the minutes of the April 25, 2022 meeting as presented.

Motion carried, 5:0. (Member West arrived at 7:03 p.m.)

4. CASE ITEMS

A. **Case No. 22-9-V:** A request by **Mike Fox** for a 5.7 foot variance from the 30 foot setback along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4, in order to construct a living addition above the garage and a 21 foot variance from the 30 foot rear yard setback, per Code Section 1303.060. Subd.5.c and an 11 foot variance from the 30 foot setback along a side abutting a public right-of-way, both in order to convert the east side deck into an enclosed porch at the property located at 4985 Johnson Avenue.

Lindahl discussed the case. Staff recommended approval of the request as proposed.

Member Berry opened the public hearing. As no one spoke to the matter, Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-9-V, seconded by Member **Amundsen**.

Motion carried, 5:0.

- B. Case No. 22-5-CUP & 22-10-V:** A request by **Annie & Dustin Carlson** for a Conditional Use Permit for an accessory apartment, per Code Section 1302.125, and the following five variances:
- A 713 square foot variance from the 880 square foot maximum for a home accessory apartment, per Section 1302.125;
 - A 5.5 foot variance from the 15 foot height limit, as measured to the mean of the roof, per Section 1302.030, Subd.4.i.1.b;
 - A variance for a third accessory structure, per Section 1302.030, Subd.4.i;
 - A 968 square foot variance from the 625 square foot maximum size for a second accessory structure, per Section 1302.030, Subd.4.i.2.b; and
 - A 1,083 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per the same Section,

All in order to construct an accessory dwelling unit above the detached garage, construct a new two car attached garage, and expand the existing four car detached garage at the property located at 2505 Lake Avenue.

Lindahl discussed the case. Staff recommended approval subject to conditions listed in the report.

Member Berry sought to clarify that staff support for the variances is based on the size of the lot. He asked if the accessory dwelling unit (ADU) transferred to new homeowners if the property ever sold. Lindahl confirmed that there does seem to be a connection between the potential development of the site and the overall size of the lot relative to the variances. The conditional use permit (CUP) for the ADU runs with the land, not the property owner. The ADU does require the principal structure to be occupied by the owner.

Member Berry wondered if a rental license would transfer to new owners as well. Crosby replied that if rented to family, a license is not needed. If rented to others, a license is required and needs to be renewed every two years.

Member Amundsen asked if anything changes if the detached garage is entirely torn down and rebuilt. Lindahl replied that it would not make a difference whether the

building was added to or demolished. He deferred to the applicants regarding the future of the garage.

Member West commented that ADUs that have two levels typically have a back door. She did not see one on the proposed plans and wondered if that was required. Lindahl explained that the need for an additional access point would be determined during the building permit review, although he is not aware of a requirement for a second door in a residential setting.

Member Berry opened the public hearing.

Dustin Carlson, 2505 Lake Avenue, applicant, he answered the questions raised by the Commissioners, stating that the ADU will not be rented out; rather it will be used for the grandparents. He is not sure if it will be a complete tear down of the garage yet, there are many unknowns that won't be answered until they start construction. The footings may limit what can be kept. Regardless of what is kept and what is rebuilt, they want the garage to feel like a carriage house. Lastly, they are willing to add a second door if the city inspector says they need it.

Member Berry closed the public hearing.

It was moved by Member **Reinhardt** to recommend approval of Case No. 22-5-CUP & 22-10-V, seconded by Member **Baltzer**.

Motion carried, 5:0.

- C. Case No. 22-2-SHOP:** A request by **Rebecca Pacheco** for a Special Home Occupation Permit, per Code Section 1302.120, in order to operate a massage therapy business out of the single-family home located at 3791 Prairie Road.

Miller discussed the case. Staff recommended approval.

Member Berry opened the public hearing. As no one spoke to the matter, Member Berry closed the public hearing.

Member Amundson expressed appreciation for the neighbor's letter of support.

It was moved by Member **West** to recommend approval of Case No. 22-2-SHOP, seconded by Member **Reinhardt**.

Motion carried, 5:0.

- D. Case No. 22-2-LS:** A request by **Prelude Holdings, LLC** for a minor subdivision, per Code Section 1407.030, to subdivide one lot into two and a recombination subdivision, per

Code Section 1407.040, to convey two tracts of land to abutting neighbors at the properties located at 4870 Otter Lake Road, 4859 Sandra Lane, and 1567 Quast Court.

Miller discussed the case. Staff recommended approval.

Member Berry opened the public hearing. As no one spoke, Member Berry closed the public hearing.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-2-LS, seconded by Member **West**.

Motion carried, 5:0.

- E. Case No. 22-2-PUD & 22-1-PUD:** A request by **Marvin Development III, LLC** to subdivide one parcel into two, and approval of both “general concept stage” and “development stage” Planned Unit Development, per Code Section 1301.070, in order to construct a fast food restaurant with a drive-thru and pylon sign at the property located at 4600 Centerville Road.

Crosby discussed the case. Staff recommended denial of the request based on the findings listed in the report.

Member Amundsen asked about the letter sent by the applicants’ attorney to the mayor. He wondered if the case should be continued until all legal issues have been addressed. Crosby answered that she did not think the applicants wanted to wait and would appreciate the case moving forward.

Member Berry opened the public hearing.

Zach Zelickson, Border Foods, represents the applicant. He stated that the owners, the Moriartys, have been working on this property for the past 15 years. They had approvals in the past for retail and a second drive thru on the lot. The parcel is large and vacant, which is unique for this area of town. He provided a graphic depicting the flow of traffic, explaining that they will not route traffic the way staff has suggested. They foresee clients using the right-in, right-out access for both ingress and egress. The traffic report done by a third party engineering firm stated that traffic would not be affected. The grade for the area would remain at a “B”.

Mr. Zelickson stated that they have been working on and amending plans since October of 2021. They are proposing an overabundance of trees and shrubs. All of the stormwater will be captured on site through the use of an underground tank. He believes the proposed use as a Taco Bell is similar to other uses around the area. They typically hire around 40 employees at a single Taco Bell, so will be creating jobs. The company will also add to the tax base.

Mr. Zelickson continued that they have worked hard to meet the City's demands. They have plenty of sites that are the same or similar in size and do not have issues. The site is unique and the proposal fits with the description of the PZ – Performance Zone district. They have obtained approval from the State of Minnesota for the proposed utility connections. It is not unique for the applicants to connect to private lines since many of their restaurants are in malls and shopping centers. They want to work with the City and think the proposal is a great fit for the area.

Member Berry asked how the applicants are going to make the choice for clients to utilize the right-in, right-out access as opposed to driving in front of the Lunds & Byerlys. Mr. Zelickson replied that a lot of traffic will head north, so will leave the same way they entered. He referred back to the traffic report that states the traffic light will not be overburdened.

Member Berry followed up with a question regarding the size of the requested pylon sign. Mr. Zelickson answered that they thought it was a reasonable ask considering the existing McDonalds sign and the recent approval of a billboard north of the property. Theirs would be the shortest sign around and it would be the minimum needed for visibility on the road. They would be willing to work with Lunds and Byerlys to share a pylon sign if they want.

Member Berry wondered if the stacking will ever wrap around towards the Anytime Fitness. Mr. Zelickson explained that they will have nine stacking spaces from the pickup window, so he does not think there will be a problem. The speed of service is high, so they do not have the stacking issues other fast food restaurants face. At a certain point in time, there were approvals for an additional 9,000 square feet of real estate on the lot. The proposed building is one-third of that size.

Member Amundsen asked about the subdivision and if there were considerations to purchase the whole property. It appears that by asking for the lot split, the applicants are creating many of the issues that staff has with the proposal. The project was previously approved as one parcel. Mr. Zelickson responded that even with the split, all the easements and agreements remain. They would have to work out the details with current owners, but they need their own freestanding building as a Taco Bell. Owning the whole parcel or leasing from the existing owners just complicates the matter. However, if the property line is the deciding factor, he would entertain more dialogue with the City.

Member Amundsen commented that, as noted by staff, landlocked parcels are not common or supported in White Bear Lake. Mr. Zelickson acknowledged it is a unique situation, but this request allows them to take an empty piece of land and develop it in a positive way.

Member Baltzer noted that he does not support the pylon sign. Mr. Zelickson asked if the Commission would be supportive if the applicants were willing to omit the sign from the request. It is something they may consider, but the visibility of the pylon sign is very important to them. Member Baltzer stated he personally would be more open to the proposal if the sign was removed.

Member Berry closed the public hearing.

Member Amundsen questioned if the access was needed for fire, and if not, if it could be closed to prevent customers from driving through the Lunds and Byerlys lot. Crosby stated that the access serves multiple properties in the area, including Walgreens and McDonalds, so it would not be a good solution.

Member Reinhardt asked if the Minnesota Department of Labor & Industry would need to approve the utility connections. Crosby confirmed that it would. There have been preliminary conversations that indicate the proposal could be approved by the State. She added that the building would connect to White Bear Township sewer, so there is another entity involved.

Member West commented that she has a lot of concern about the traffic. She is skeptical of the notion that people will use the same entrance for ingress and egress. It is safer to go to the light, so that is the route people will tend to take. She thinks that people going to Anytime Fitness will be affected by the increase in traffic.

Member Berry noted that timing is everything, considering the development around the area. It seems the applicants are trying to shoehorn the project into the area and it may negatively impact the existing grocery store and other businesses.

Member Amundsen reported that the email forwarded to the Planning Commissioners from the applicants' lawyer has caused some concern. He does not want to approve something that will later be changed by the City Attorney.

Lindahl explained that the letter came from the applicants' attorney, but there does not seem to be a legal question raised in the memo. Since the letter was just received over the weekend, the City Attorney has not had time to provide comments, but will before the case is heard at the City Council meeting. Staff's read of the letter is that the general assertion is that the PUD process outlined for the applicant equates to some sort of inherent approval. Staff does not agree with that assertion.

Lindahl continued that the PUD process is the only possible process that the applicant could go through because of the configuration of the site and the proposed use. Staff has worked with the applicant for quite some time, trying to find a solution. In the end, staff found that this is not something that can be approved. The applicant is understandably disappointed. In this case, there is no entitlement to development

because the PUD grants the City a high level of discretion in this matter. The idea is that if a site has deficiencies, the applicant provides enhancements that correct or minimize the challenges that are faced. They have not been able to find a way to address the intensification of the use and access challenges inherent in the site.

It was moved by Member **Amundsen** to recommend denial of Case No. 22-1-P & 22-1-PUD, seconded by Member **Berry**.

Motion carried, 5:0.

- F. **Case No. 22-2-PUD:** A request by **Schafer Richardson** for concept stage approval of a Planned Unit Development, per Code Section 1301.070, in order to construct 243 units of multi-family apartments in two buildings at the properties located at 3600 and 3646 Hoffman Road.

Crosby discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Berry wondered if there is any way to limit the traffic using Linden Street. He believes that Hoffman Road is so underused, comparatively, and wishes there was a way to force people there instead of Linden. Crosby replied the connecting access could be removed, but then the applicants need to provide access all the way around the building or a turn around, so the project would need to be redesigned. The Fire Department does not want to have to back out of the parking lot.

In reference to the title of the project being “phase two”, Member Amundsen sought to confirm that the project was separate from the Barnum. He was surprised the proposal was not identical to the Barnum. Crosby provided a background stating that Schafer Richardson bought the parcels at same time, so staff knew a proposal would be coming. The Barnum is now owned by a conglomerate, which includes Schafer Richardson, but is essentially a different company. The proposal is complimentary in color to the Barnum, but a bit different with the style of the building and flat roof.

Member Amundsen sought more information on the number of parking stalls per unit, the use of counting stalls per bedroom, and the availability of proof of parking. The narrative states 1.59 stalls per unit and 1.02 stalls per bedroom will be provided. He wondered what the 1.14 stalls per bedroom that staff is requesting equates to in stalls per unit. He does not want to require more parking than needed, but does not want to undersize the lot either.

Crosby stated that she did not have that number readily available, but they were going out on a limb with the parking at the Barnum. The proof of parking, or the ability to provide more stalls if needed, helped alleviate some concerns. If proof of parking were available for this site, it would make the City feel a little better about the proposed

number of stalls. The City is unwilling to go much less than 1.14 stalls per bedroom at this time, since that is what was approved at the Barnum.

Member Berry opened the public hearing.

Karen Bushee, 3614 Linden Avenue, she referred to pictures she submitted of vehicles turning onto Linden and explained that her neighbor's driveway is very close to the intersection. The neighbors have to turn their hazard lights on before turning into their driveways to avoid being hit by the cars driving too fast on Linden Street. She thinks the traffic study is off, since the original apartment cited an increase in 836 trips a day from 192 units, with 57% using Linden Street. This proposal will add more units, so will generate many more trips in a day. She is requesting that access not be granted between the new apartments and the Barnum.

Barb DeSarro, 3610 Linden Avenue, she stated that the entire neighborhood has issues with the traffic and speed in which people drive. She concurred that they do not want any more traffic diverted to Linden Street.

Member West asked Ms. DeSarro whether her driveway was by itself or shared. Ms. DeSarro stated she has her own driveway. There are three access points along Linden Street from their building.

Andrea Gahn, 1711 County Road E #117, stated that the new building is going to take away her sunset. She explained that she enters the parking lot along Linden Street since there is never any parking in the front. It is a really tight entrance/exit. She agreed that there should not be access between the two parking lots, since there are already congestion issues on Linden.

Peter Orth, Schafer Richardson, Development Manager, he confirmed that this is phase two, next door to the Barnum. Having the Barnum right next door has been beneficial in the planning and programming of the project. There is a lot of demand for this type of housing in White Bear Lake.

Mr. Orth spoke about the addition of affordable units in this phase. It makes sense for this project to include affordable units based on where the housing market is right now. It is a benefit to the community to have a diverse set of tenants. They are aiming to have 20% of units occupied by households at or below 50% Area Median Income (AMI). It is part of the Schafer Richardson mission to address the stigma of affordable housing. The Barnum was not able to have affordable units, so they are trying to have them with this project.

Mr. Orth stated there is a right-in, right-out access on County Road E. There is underground parking that is all connected, so tenants can use either the Hoffman Road or County Road E entrance/exit. The goal is to have as much underground parking as

possible. At the same time, they are trying to manage the building size, costs, setbacks, and open space. They originally wanted a temporary barrier for the connection between the parking lots. He thinks there is an easy fix in convincing the fire marshal that they could use a temporary bollard system to block the way except for emergency.

Mr. Orth continued that they had discussed the option of a shared parking lot on the east side close to the Barnum, but thought it would negatively impact Barnum residents. They had two versions of traffic scenarios studied, connected and blocked access, and both resulted in a B grade. He thinks the neighbors' concerns about traffic are more related to speed over the quantity of vehicles. He wants to work with the neighbors to address their concerns. He commented that redesigning the parking lot will reduce the amount of green space, which provides a buffer between the two buildings.

Member Amundsen asked if there is dedicated guest parking. Mr. Orth confirmed that there are 8 to 10 stalls near the Hoffman Road entrance.

Mr. Orth continued that in terms of appearance of the new buildings, they wanted to be comparable to the Barnum, but different. They agree with staff's recommendation to add more undulations and other features to make it look less flat. The number of parking stalls proposed is 1.59 per unit, which is what the Barnum is at when the proof of parking is included. They do not want the project to be under parked. That is the worst scenario for developers. It is comparable to the Barnum, but the make-up of units is different. There are no three-bedroom units in the Barnum, which this proposal has and it would be rare to have three drivers in one unit. There are also more studios, so the parking demand should be less, therefore the Barnum parking ratio should not be used here.

Member Berry asked about the number of underground parking stalls, if rent is charged for those spaces, and if access for emergency vehicles is provided underground. Mr. Orth stated there are fewer underground stalls than surface. Rent is charged for underground, but it is less about the income generated, and more about the demand. There is a waitlist at the Barnum. Further, there is a 24-foot wide drive aisle that provides connection, which could fit a fire truck.

Mr. Orth stated that the Barnum is 97% leased right now, and parking seems to be a good fit, which is why they are basing the proposal on those numbers. He does not think the 1.14 ratio is applicable to this project; parking should be based on bedrooms.

Member Amundsen asked the applicant about staff's condition to raise the building to make the first floor true walk up units. Mr. Orth thinks there are architectural features that they could add to make the units look better, rather than raising the building. Issues like ADA limitations, insulating the underground parking, and building costs go up when lifting the structure.

Member Amundsen asked where the pedestrian connection would be, since there is already a sidewalk on the south side. Mr. Orth stated they can create a connection on the north side and that the intent is to provide access to the Bruce Vento trailhead.

Member Berry closed the public hearing.

Member Berry wondered about the proposed barrier between the White Bear Center for the Arts parking lot and Division Avenue. Crosby stated that it was not approved and a turnaround was needed.

Crosby stated that she did some math and a 1.14 per bedroom ratio would equal 1.7 stalls per unit. The applicants are proposing 1.59 per unit, which is about a 45 stall difference.

Member Baltzer stated the he does not want to increase the traffic on Linden Street. He thinks the access should be blocked off or a temporary barrier used.

Member Reinhardt agreed, noting that he is a fan of the Barnum, but knows parking has been an issue. The Barnum parking lot is always full and there are not a lot of spots for visitors. He does not want to lose green space, but providing parking on the east side may be the best solution.

Member Baltzer asked if the green space across the street could be used for parking. Crosby stated that the idea had been discussed, but she thinks the applicants would like to retain that parcel for commercial use in the future.

Member Amundsen stated he really likes the affordable aspect of the proposal. He thinks the connection between the properties makes sense and he does not want to make the applicants redesign everything. He asked for clarification on the PUD process.

Crosby explained that this is the general concept review stage. It will come back to the Planning Commission for development stage at a later date. The access issue can be revisited, but this is the point in development when the applicants are looking for feedback.

Lindahl reiterated that this is the concept phase. He summed up the Planning Commissioners preference for some closure of the access, but a retained fire access.

Member West revisited the condition to raise the building. She felt the applicant had strong reservations about that and wondered if the condition should be further discussed. She appreciates the concern surrounding ADA regulations and the increased cost. She would be okay with making architectural changes as opposed to raising the building.

Member Amundsen and Member Berry both concurred.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-2-PUD with an amendment to condition 2.c to strike the requirement to elevate the entrances, seconded by Member **West**.

Motion carried, 5:0.

5. DISCUSSION ITEMS

A. City Council Summary Minutes of May 10, 2022.

Member West asked how improvements at Whitaker Street and 8th Street along Highway 61 will be impacted if the Purple Line route is altered. If there will not be any improvements at 8th Street, she is concerned with pedestrian safety in conjunction with the Music Center they approved in April.

Crosby responded that the addition to the high school also triggered a requirement for improvements at the intersection, so something like a traffic light will be installed.

Member Amundsen reported that he is part of the County Road E Corridor Planning Study Project Team.

B. Park Advisory Commission Minutes of April 21, 2022 – Not Available.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **West** to adjourn the meeting at 9:26 p.m.

Motion carried, 5:0



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: The Planning Commission
FROM: Samantha Crosby, Planning & Zoning Coordinator
DATE: June 27, 2022
SUBJECT: Birch Residence Variances / 4324 Cottage Park Road / Case No. 22-12-V

SUMMARY

The applicants, Kris and Kasey Birch, are requesting four setback variances in order to demolish the existing single-family residence and construct a new single-family residence located at 4324 Cottage Park Road.

The subject property is located on the east side of Cottage Park Road, near the intersection with Circle Drive. The applicants are proposing to replace the existing 3,590 square foot house and 2 car garage with a 3,871 square foot house with a 3 car garage. Based on the findings made in this report, staff finds the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Kris & Kasey Birch

Existing Land Use / Zoning: Single Family;
R-2, Single Family Residential and S, Shoreland Overlay

Surrounding Land Use /Zoning: All Directions - Single Family
Zoned R-2 & S to the north and south, and R-3 & S to the west

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 15,000 sq. ft.; 100 feet (single family) / Site: 9,301 sq. ft.; 60.7 feet

ANALYSIS

Site Characteristics

The land was platted in 1884 and Ramsey County indicates that the existing residence was constructed in 1919. The current owners purchased the property in April of this year. The applicants wish to demolish the existing residence because they would like to correct some grading and structural issues as well as increase energy efficiency by building to current code standards, see applicant's narrative.

As detailed in the applicant's narrative, the existing home has a footprint of 1,924 square feet in size and the proposed home would be 1,979 square feet – just 55 square feet larger. See staff's footprint overlay graphic, attached. The existing impervious area is 33.9% and the proposed impervious would be 31.3% - a 2.6% reduction. The request is for variances from 3 of the 4 sides: one from the lake side, one from the south side and two from the street side. See staff's color-coded graphic, attached. The substandard size and width of the lot, coupled with the larger setbacks required by the R-2 zoning district, are the characteristics which make construction of a new residence on the lot difficult without variance from the code.

The applicant's analysis illustrates that, if all setbacks are adhered to, only 590 square feet of the property is buildable (see sheet SP2). The building pad width is roughly 38 feet and the building pad depth is approximately 13 feet. A minimum house width of 22 feet is required by the minimum housing code. Consequently, granting some amount of variance is reasonable in order to preserve the value of the property.

Staff urged the applicant to design a house that gets closer to code than the existing conditions and, if expansion was desired, to expand upward rather than outward. While the proposal does not appear to be closer to code than the existing situation, it also is not much further from it. Again, see applicant's narrative.

Community Comment

Under state law and the City's zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to all adjacent property owners. That notice directed all interest parties to send questions or comments to the Planning Department by mail, phone or email or to attend the public hearing where they could learn about the request, ask questions and provide feedback. As of the writing of this report, city staff received one inquiry regarding this request. A neighbor pointed out that the existing fence on the north side of the house currently crosses the public easement that lies to the north of this site, blocking the public lake access. The existing fence can be seen on the survey, and since it is erroneously located, should be removed with the demolition of the existing residence. Also, the Rice Creek Watershed District has provided comments, attached. During the public hearing, staff will provide an update if any other public comments are received prior to the Planning Commission meeting.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 62.357, Subd.6 and staff's findings for each are provided below.

1. Are the variances in harmony with purposes and intent of the ordinance?

Finding: The proposed variances are in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-2 and S; according to the Zoning Ordinance, the purpose of the R-2 district is to "provide for urban density single-family detached residential dwelling units and directly related, complementary uses." The applicant has tried to tie the size of the requested variances to the substandard size and width of the lot. While the side yard variance is directly proportional to the substandard lot width, the street and lake side variances are out of proportion - proposing a 64% deviation versus a 38% nonconformity. Nevertheless, the proposed variances will allow the applicant to reconstruct an expanded residence generally consistent with the surrounding historic development pattern of the Cottage Park neighborhood.

2. Are the variances consistent with the comprehensive plan?

Finding: The proposed variances are not inconsistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan's Future Land Use Map guides the subject property as "Low Density Residential", which is characterized by single-family attached and detached dwellings with a density range of 3 to 9 units per acre. The density of the proposed detached single-family residence is 4.7 units per acre.

3. Does the proposal put the property to use in a reasonable manner?

Finding: Past Council approvals indicate that the proposal puts the subject property to use in a reasonable manner. When comparing the existing conditions, except for a slight encroachment towards the street, the proposed side yard setbacks are commensurate with the existing side yard setbacks and the proposed lakeside setback, while taller and longer is 1.7 feet further from the Ordinary High Water Level. More extreme variances than the ones currently proposed have been granted in the recent past in this neighborhood, therefore the proposed variances are reasonable.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. The subject property is legal non-conforming (grandfathered-in) for lot size and lot width. Coupled with the larger setback requirements of the district, these circumstances result in a site that could not reasonably accommodate current development standards.

5. Will the variances, if granted, alter the essential character of the locality?

Finding: Granting the requested variances alone will not alter the essential character of the surrounding neighborhood. The construction of lots that area generally smaller than the minimum size and width standards of the R-2 district and the additional requirements of the shoreland Overlay district make redevelopment challenging within the Cottage Park Road portion of the R-2 district.

However, the proposed variances are generally consistent with both the established development pattern and past Council approvals.

RECOMMENDATIONS

Staff recommends approval of the requested variances based on the findings of fact made in this report, and detailed in the attached resolution. The staff recommendation for approval is subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. A building permit shall be obtained before any work begins.
5. The portion of fence that perpendicularly crosses the City's property (the public lake access) shall be removed with the demolition of the existing residence.

Prior to the issuance of a building permit:

6. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
7. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
8. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.

Attachments:

Resolution of Approval

Location/Zoning Map

Staff's Graphic: Footprint overlay

Staff's Graphic: Variances color-coded

Watershed District Comments dated June 13, 2022

Applicant's Narrative & Plans, including neighbor statements of support

RESOLUTION NO.

**RESOLUTION GRANTING FOUR SETBACK VARIANCES
FOR 4324 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (22-12-V) has been submitted by the Kris and Kasey Birch, to the City Council requesting approval of four setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4324 Cottage Park Road

LEGAL DESCRIPTION: Attached as Exhibit A

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: Four variances in order to demolish the existing single-family residence and construct a new single-family residence: a 2.2 foot variance from the 15 foot side yard setback, per Code Section 1303.040, Subd.5.c.2; a 10 foot variance from the 20 foot street side setback for the garage, per Section 1302.030, Subd.4; a 15.2 foot variance from the 35 foot street side setback for the principal structure, per Section 1303.040, Subd.5.c.1; and a 14.5 foot variance from the 74.8 foot average lake side setback, per Section 1302.040, Subd.4.; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 27, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

RESOLUTION NO.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variances, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. A building permit shall be obtained before any work begins.
5. The portion of fence that perpendicularly crosses the City's property (the public lake access) shall be removed with the demolition of the existing residence.

Prior to the issuance of a building permit:

6. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
7. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
8. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Clerk

RESOLUTION NO.

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Kris Birch

Date

Kasey Birch

Date

RESOLUTION NO.

**EXHIBIT A
LEGAL DESCRIPTION**

Those parts of Lots 13, 14 and 15, Block 2, COTTAGE PARK, Ramsey County, Minnesota described as follows:

That part of Lot 13 described as follows: Beginning as the southwest corner of said Lot 13; thence northerly along the west line of said lot 24.3; thence easterly a distance of 107.6 feet to a point that is 23.6 feet distant from the south line of said Lot 13; thence easterly along the same line to White Bear Lake; thence southerly along the line of White Bear Lake to the south line of said Lot 13; thence westerly to the point of beginning; All of Lot 14, Block 2, COTTAGE PARK, excepting that part of said Lot 14 lying southwesterly of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwest line of said Lot 14 distant 57 feet southeasterly of said most westerly corner of said Lot 14; and that part of Lot 15, Block 2, COTTAGE PARK lying northeasterly of the southeasterly prolongation to the shore line of White Bear Lake (as located in the plat of COTTAGE PARK) of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwesterly line of said Lot 14 distant 57 feet southeasterly of said most westerly point of said Lot 14.

LVMU

WHITE BEAR LAKE

**SUBJECT SITE:
4324 COTTAGE PARK ROAD**

P

R-3

R-2

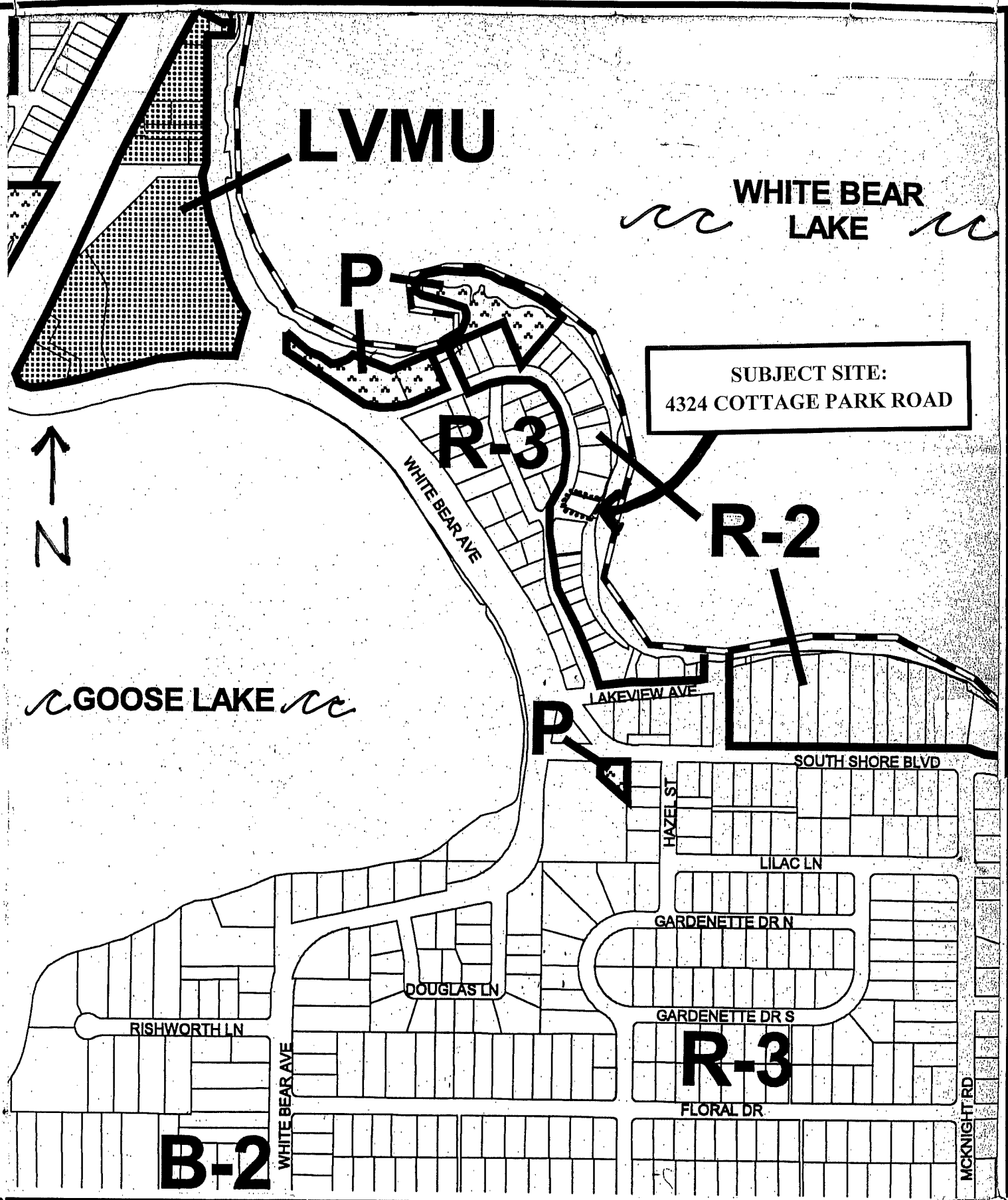
P

R-3

B-2



GOOSE LAKE



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 22-12-V

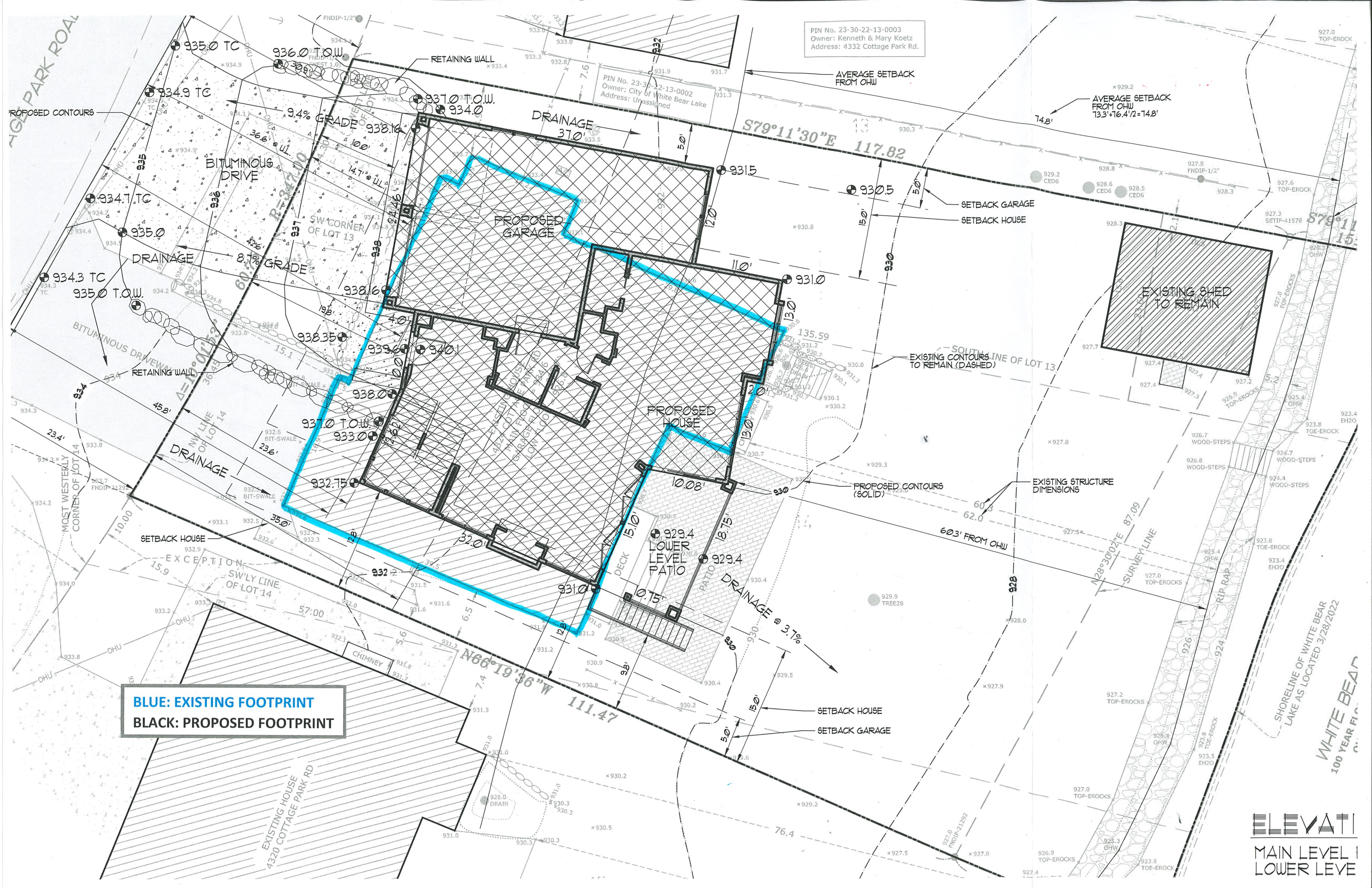
CASE NAME : Birch

DATE : June 27, 2022

PIN No. 23-30-22-13-0003
Owner: Kenneth & Mary Koetz
Address: 4332 Cottage Park Rd.

PIN No. 23-30-22-13-0002
Owner: City of White Bear Lake
Address: Unassigned

BLUE: EXISTING FOOTPRINT
BLACK: PROPOSED FOOTPRINT

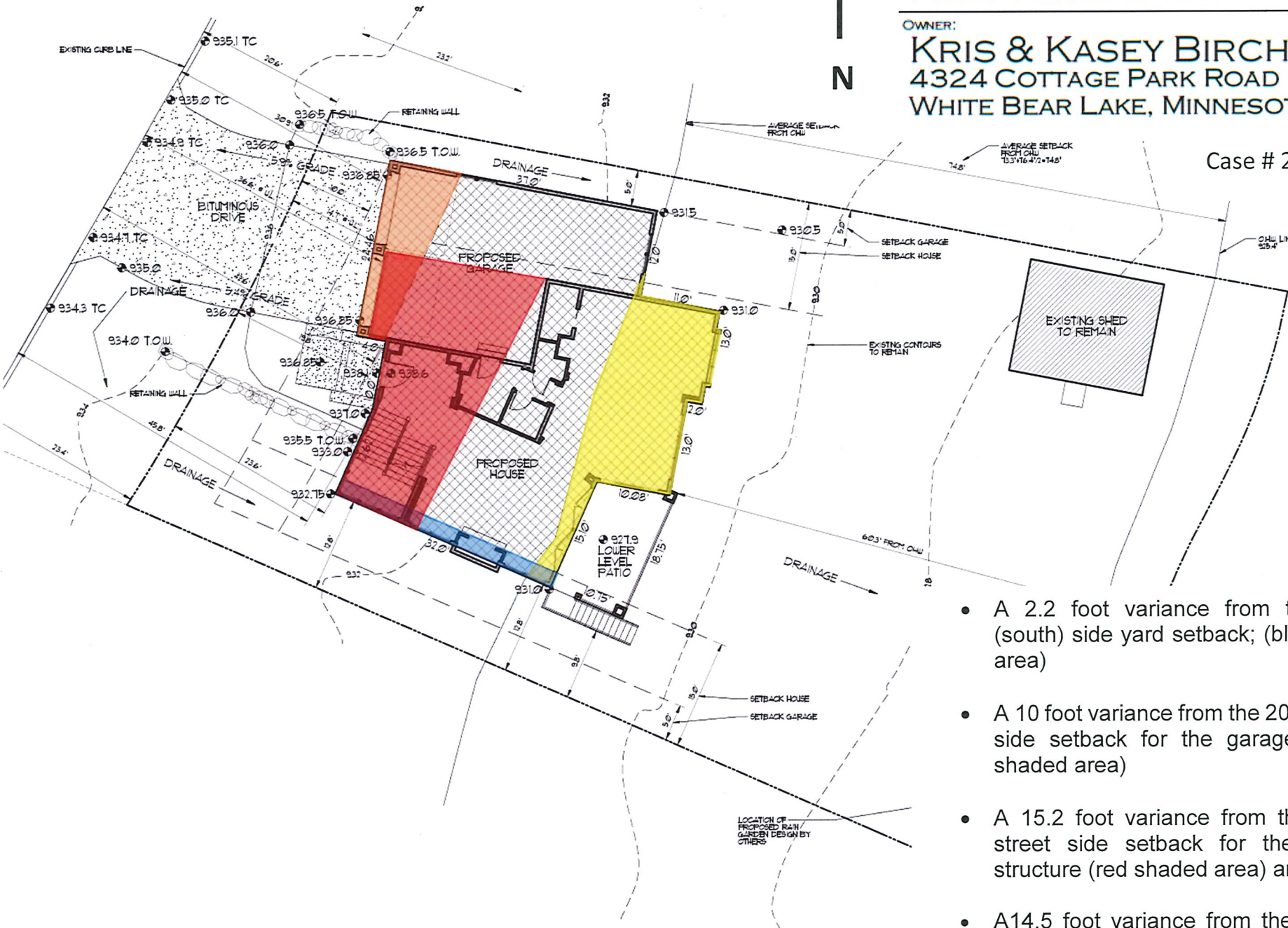


NEW RESIDENCE

OWNER:

KRIS & KASEY BIRCH
 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MINNESOTA 55110

Case # 22-12-V



- A 2.2 foot variance from the 15 foot (south) side yard setback; (blue shaded area)
- A 10 foot variance from the 20 foot street side setback for the garage; (orange shaded area)
- A 15.2 foot variance from the 35 foot street side setback for the principal structure (red shaded area) and
- A 14.5 foot variance from the 74.8 foot average lake side setback, (yellow shaded area)

1 PROPOSED SITE PLAN
 SP2 SCALE: 1" = 10'-0"

From: Anna Grace <AGrace@ricecreek.org>
Sent: Monday, June 13, 2022 2:22 PM
To: Samantha Crosby <scrosby@whitebearlake.org>
Subject: RE: 4324 Cottage Park Road

Sam,

Thank you for sending the 4324 Cottage Park Road plans and variance over via email.

From review, the single-family demo and rebuild does not appear to require a permit from RCWD (under 10,000 sq. ft land disturbance and new and/or reconstructed impervious surface, no proposed work or structures within the floodplain, no wetland or public drainage system concerns).

The RCWD regulatory 100-year floodplain for the site is based off White Bear Lake 927.3 NAVD 88. If plans were to be modified to propose work or structures between the regulatory floodplain elevation and the OHW 925.36 NAVD 88, a RCWD permit for Rule E, Floodplain Alteration and Rule D, Erosion and Sediment Control plan will be required.

A Notice of Intent does not appear to apply to the project. A [Notice of Intent](#) is required to be submitted to the District via email if:

- Activity disturbs surface soils or removes vegetative cover on more than 5,000 sq. ft of land and/or
- Stockpiling more than 50 cubic yards of earth or other erodible material on site.

A RCWD Notice of Intent requires the site to implement best management practices. Applicant guidance below:

- Erosion control measures should be located down gradient of all land disturbing activities.
- Here is a MPCA link for additional BMP guidance, https://stormwater.pca.state.mn.us/index.php/Sediment_control_practices_-_Perimeter_controls_for_disturbed_areas.
- RCWD defines Land-Disturbing Activity as, any disturbance to the ground surface that, through the action of wind or water, may result in soil erosion or the movement of sediment into waters, wetlands, or storm sewers or onto adjacent property. Land-disturbing activity includes but is not limited to the demolition of a structure or 8 surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials.

Thanks again and please let me know if any questions!

Anna Grace

Regulatory Technician
Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE, #611
Blaine, MN 55449-4539
Direct: (763) 398-3071
agrace@ricecreek.org



RCWD CELEBRATES 50 YEARS OF SERVICE 1972-2022

6/16/2022

Applicant:

Kris & Kasey Birch

Property: 4324 Cottage Park Rd White Bear Lake MN 55110

White Bear Lake Land Use Variance
Narrative Description

Decision for demolition instead of remodel:

1. Negative grade from street into garage (see exhibit 1.0)
2. Structural issues on main floor and lower level (see exhibit 2.0)
3. Energy impact from outdated windows, doors, and insulation
4. Low ceiling clearance in stairwell and landing pad from garage. (See exhibit 3.0)

We are working with Better Futures MN – ReUse Warehouse to deconstruct the existing house so that almost 90% of the materials will be reused or recycled instead of going to a landfill.

Practical Difficulty

1. Nonconforming lot size – 15,000 SF
 - a. Lot SF 9,301
 - b. 38% smaller
2. Nonconforming lot width – 100 LF
 - a. Street side Lot width 60.75'
 - b. Average Lot width 73.92';
 - c. 26.08' narrower then zoning code standard
3. Wide Boulevard size
 - a. Longer curb to property line distance, typically is around 15'.
 - b. 20.6' (37% longer) at northern corner
 - c. 23.4 (56% longer) at southern corner.

Variances Requested

1. House southside setback variance request from 15' zoning code to proposed 12.8'
 - a. Existing home is located 6.5' from southside property line
 - b. Requesting a 2.2' variance from zoning code
 - c. A 15% adjustment from code due to the 38% nonconforming lot size and 100' minimum lot width versus the 60.75'; 39.25' narrower lot width.
2. Garage street side setback from 20' required in zoning code to proposed 10'.
 - a. Existing garage is located 15.1' from streetside property line

- b. Requesting a 10' variance from zoning code.
 - c. Garage distance from street curb is 30.9'.
 - d. A 50% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.
3. House streetside setback variance from 35' in zoning code to proposed 19.8'.
 - a. Existing home is located 16.6' from street side property line
 - b. Requesting a 15.2' variance from zoning code.
 - c. House distance from street curb is 42.6'/45.8' at Main Level and 36.6' at upper level over garage.
 - d. A 44% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.
 4. House lakeside setback variance from O.H.W. 74.8'* in zoning code to proposed 60.3'.
 - a. Existing home sits 62.0' from lakeside O.H.W.
 - b. Requesting a 14.5' variance from zoning code.
 - c. A 20% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.

Standard Zoning Code for R2 Zone

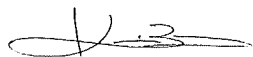
- 15' side setback
- Lot Area 15,000 SF
- Lot width 100'

Overall considerations to current property and variance requests:

1. Foundation: Proposed home foundation 1,981 SF. Current home foundation 1,924 SF equaling only a 57 SF increase (3% increase)
2. Impervious area reduction from 33.9% current home to 31.3% proposed home combined with permeable driveway or raingarden will reach 30% per zoning code equaling 3.9% reduction.
3. Perceivably other variances in neighborhood due to nonconforming lots. (see exhibits 4.0-5.0)

In summary we are requesting these variances due to the nonconforming lot total area square footage at 38% smaller, the average length at 24% shorter and average width at 27% shorter from the standard lot dimensions per zoning code. Although our variance requests do not commensurate with the exact percentage of requests, we believe these are the best solution related to the current home location and a priority to preserve and maximize the lake views and setbacks.

Sincerely,





Kris & Kasey Birch

Notification of Neighbor Variance Request

Date: 5/12/22

To:
Kenneth and Mary Koetz
4332 Cottage Park Rd
White Bear Lake, MN 55110

From:
Kris and Kasey Birch
4324 Cottage Park Rd
White Bear Lake, MN 55110


Signature


Dear Neighbor,

We are submitting for variances of the tear down and rebuild of 4324 Cottage Park Rd home which we purchased at the end of April. The new zoning code considers the current house non-conforming. Our plan is to rebuild a new home very similar to the current footprint, but to do this we need approval on four variances. (See survey overlay)

1. Southside setback variance request to 12'8" from the 15' zoning code. The existing house sits at 6.5'
2. Streetside garage setback variance request to 10' from the 20' zoning code. The existing house sits at 15.1'.
3. Streetside house setback variance request to 19.8' from the 35' zoning code. The existing house sits at 16.6'.
4. Lakeside house setback variance request to 60.3' from the 74.8' zoning code. The existing house sits at 60.3'.

In effort to proactively communicate and desire to be a good neighbor we are notifying you of this application.

We are asking for your signature of notification and acknowledgement that you have no issue with these variances.

Thank You,

Kris and Kasey Birch (Peyton & Lucca)

Notification of Neighbor Variance Request

Date: ___/___/___

To:
Jacob and Chandler Ommen
4320 Cottage Park Rd
White Bear Lake, MN 55110

From:
Kris and Kasey Birch
4324 Cottage Park Rd
White Bear Lake, MN 55110

X _____
Signature

Dear Neighbor,

We are submitting for variances of the tear down and rebuild of 4324 Cottage Park Rd home which we purchased at the end of April. The new zoning code considers the current house non-conforming. Our plan is to rebuild a new home very similar to the current footprint, but to do this we need approval on four variances. (See survey overlay)

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4. Lakeside house setback variance request to 60.3' from the 74.8' zoning code. The existing house sits at 60.3'.

In effort to proactively communicate and desire to be a good neighbor we are notifying you of this application. We are asking for your signature of notification and acknowledgement that you have no issue with these variances.

Thank You,

Kris and Kasey Birch (Peyton & Lucca)

Exhibit 1.0 – negative grade into garage



Exhibit 2.0 – structural issues



Exhibit 3.0 – Low Ceiling clearance

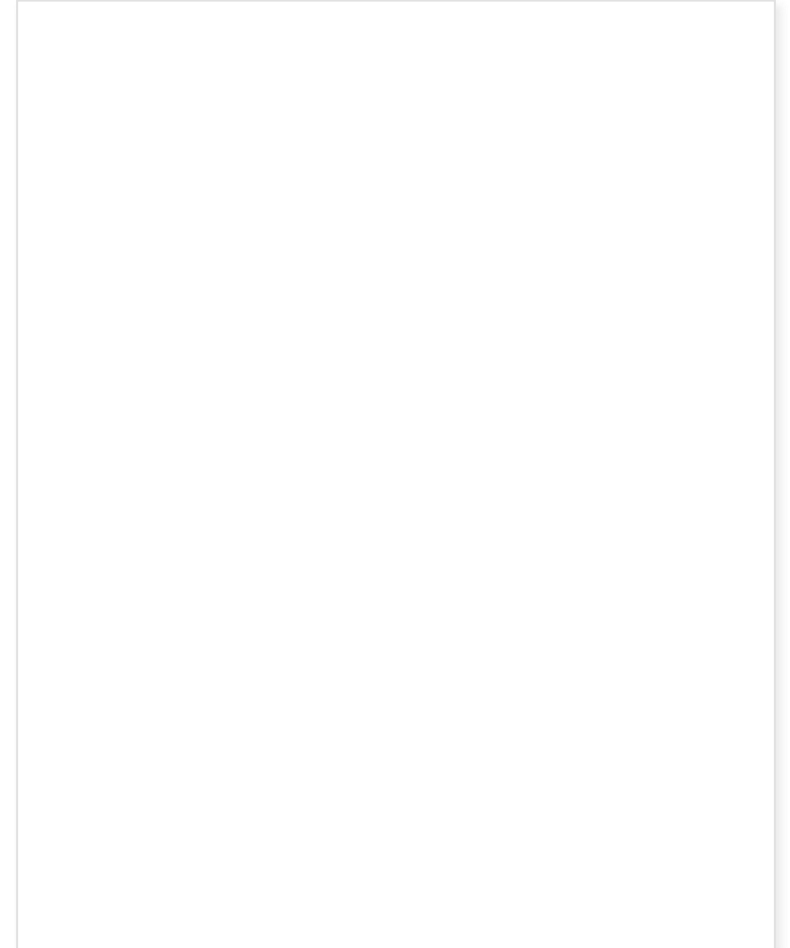
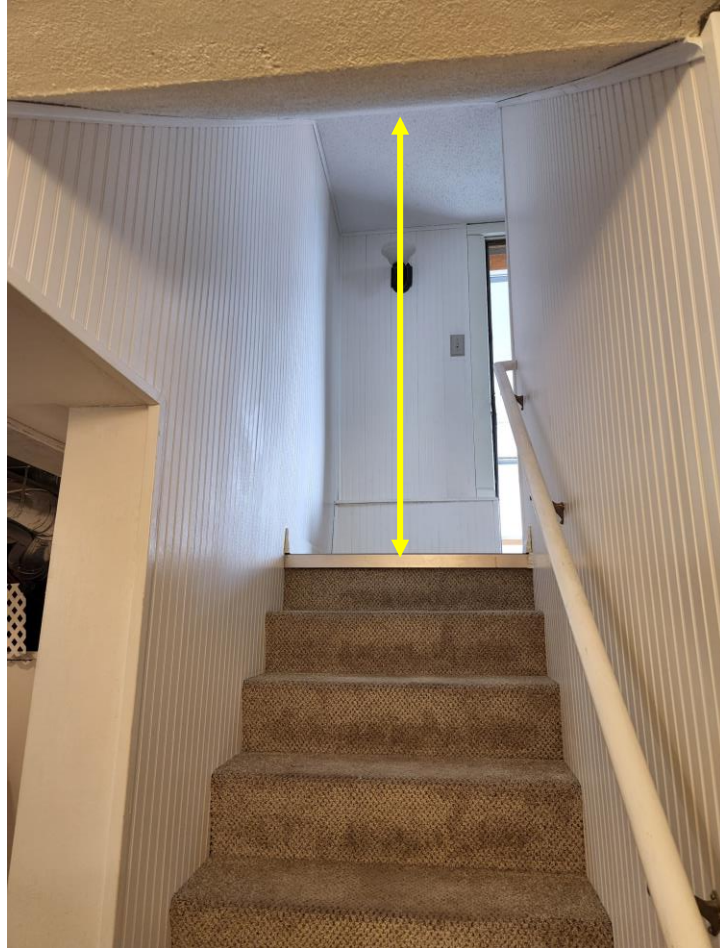




Exhibit 4.0 – street side setback



Exhibit 4.1 – street side setback



Exhibit 4.2 – street side setback



Exhibit 4.3 – street side setback



Exhibit 5.0 – side yard setback

CERTIFICATE OF SURVEY

~for~ KRIS BIRCH
 ~of~ 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MN 55110

BIRCH RESIDENCE SITE PLAN OVERLAY



JOHNSON & ASSOCIATES, ARCHITECTS
 8469 224TH STREET No.
 FOREST LAKE, MINNESOTA 55025
 PHONE 651.248.1342
 E-MAIL TJJARCH@COMCAST.NET

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PROPERTY DESCRIPTION

(PER WARRANTY DEED, DOCUMENT NO. 3127708)

Those parts of Lots 13, 14 and 15, Block 2, COTTAGE PARK, Ramsey County, Minnesota described as follows:

That part of Lot 13 described as follows: Beginning as the southwest corner of said Lot 13; thence northerly along the west line of said Lot 24.3; thence easterly a distance of 107.6 feet to a point that is 23.6 feet distant from the south line of said Lot 13; thence easterly along the same line to White Bear Lake; thence southerly along the line of White Bear Lake to the south line of said Lot 13; thence westerly to the point of beginning; All of Lot 14, Block 2, COTTAGE PARK, excepting that part of said Lot 14 lying southwesterly of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwest line of said Lot 14 distant 57 feet southeasterly of said most westerly corner of said Lot 14; and that part of Lot 15, Block 2, COTTAGE PARK lying northeasterly of the southeasterly prolongation to the shore line of White Bear Lake (as located in the plat of COTTAGE PARK) of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwesterly line of said Lot 14 distant 57 feet southeasterly of said most westerly point of said Lot 14.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/28/2022.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 23-30-22-13-0001.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN MANHOLE
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES AIR CONDITIONING UNIT
- DENOTES ELECTRIC METER
- DENOTES GAS METER
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

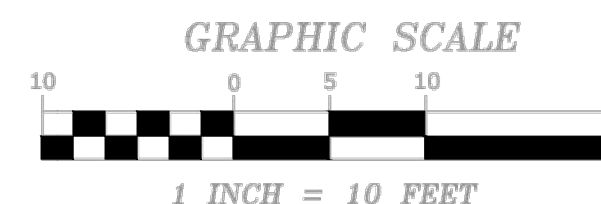
Jason E. Rud
 JASON E. RUD

Date: 4/5/2022 License No. 41578



EXISTING STRUCTURE IMPERVIOUS SURFACE

LOT AREA ABOVE OHWL = 9,301 SF
 EXISTING HOUSE FOUNDATION = 1,924 SF
 EXISTING SHED = 288 SF
 EXISTING DRIVEWAY = 336 SF
 PAVER PATIO = 367 SF
 PAVER SHED PAD = 9 SF
 ALL CONCRETE SIDEWALKS AND STEPS = 232 ST
 TOTAL IMPERVIOUS AREA = 3,156 SF (33.9%)



NORTH

Birch - Impervious Surface Calculations

Item	Area (S.F.)	Percentage
Lot Area	9301 S.F.	100.0%
Proposed House	1269 S.F.	13.6%
Proposed Garage	710 S.F.	7.6%
Existing Shed	288 S.F.	3.1%
Drive	315 S.F.	3.4%
Walks	42.5 S.F.	0.5%
Stoop	58 S.F.	0.6%
Patio	185 S.F.	2.0%
Retaining Walls	40 S.F.	0.4%
Proposed Impervious Surface	2907.5 S.F.	31.3%

ELEVATION SUMMARY:

MAIN LEVEL FLOOR	934.0
LOWER LEVEL FLOOR	929.9
100 YEAR FLOOD ELEV	926.9
TOP OF FOUNDATION	938.42
GARAGE SLAB @ O.H. DOOR	938.16

BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9093
 ELEVATION = 928.12 (NAVD 88 DATUM)

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

PROJECT: NEW RESIDENCE
 OWNER: KRIS & KASEY BIRCH
 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE: REG. NO.:

COMMISSION NUMBER: 2022489

DRAWN BY: J

CHECKED BY: J

DOCUMENT DATE: 6/12/22

ISSUED FOR: DATE:

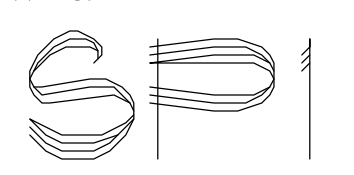
VARIANCE REQUEST: 5/16/22

WINDOW SIZE & R.O.: 6/2/22

REVISION: DATE:

RAISE LOWEST FLOOR: 6/15/22

SHEET NO.:



SHEET TITLE: SITE PLAN

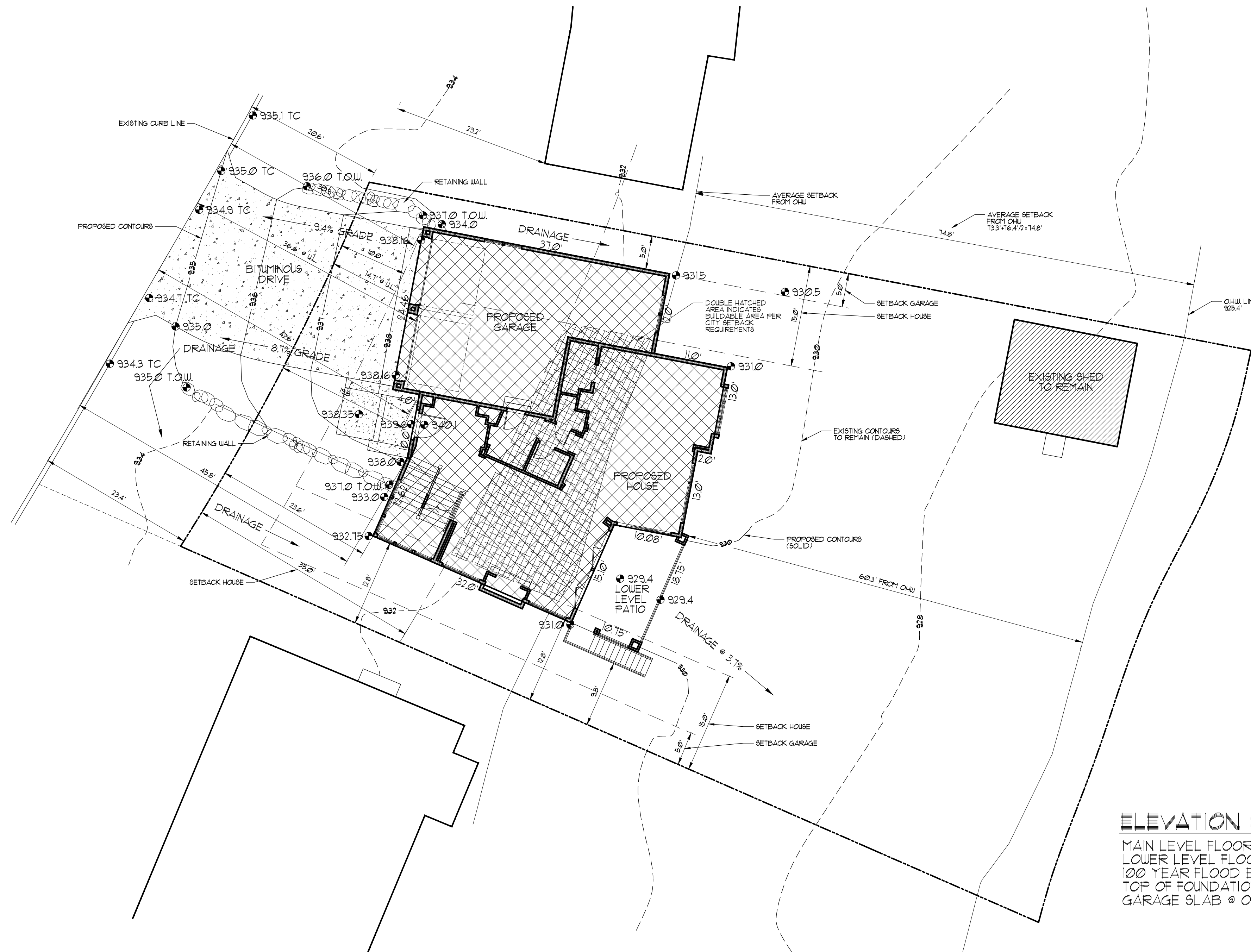
BIRCH RESIDENCE



JOHNSON & ASSOCIATES, ARCHITECTS

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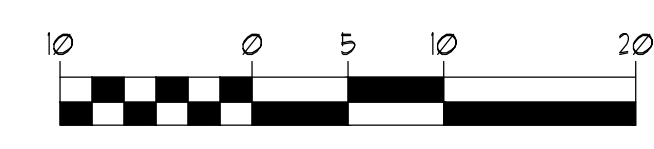
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GARAGE SLAB @ O.H. DOOR	938.16

PROPOSED SITE PLAN
SCALE: 1" = 10'-0"



Birch - Impervious Surface Calculations

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PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE	REG. NO.
COMMISSION NUMBER: 2022489	
DRAWN BY: tj	
CHECKED BY: tj	
DOCUMENT DATE: 6/12/22	
ISSUED FOR: VARIANCE REQUEST	DATE: 5/16/22
WINDOW SIZE & R.O.	DATE: 6/2/22

REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22

SHEET NO. **SP2**
SHEET TITLE: **SITE PLAN**

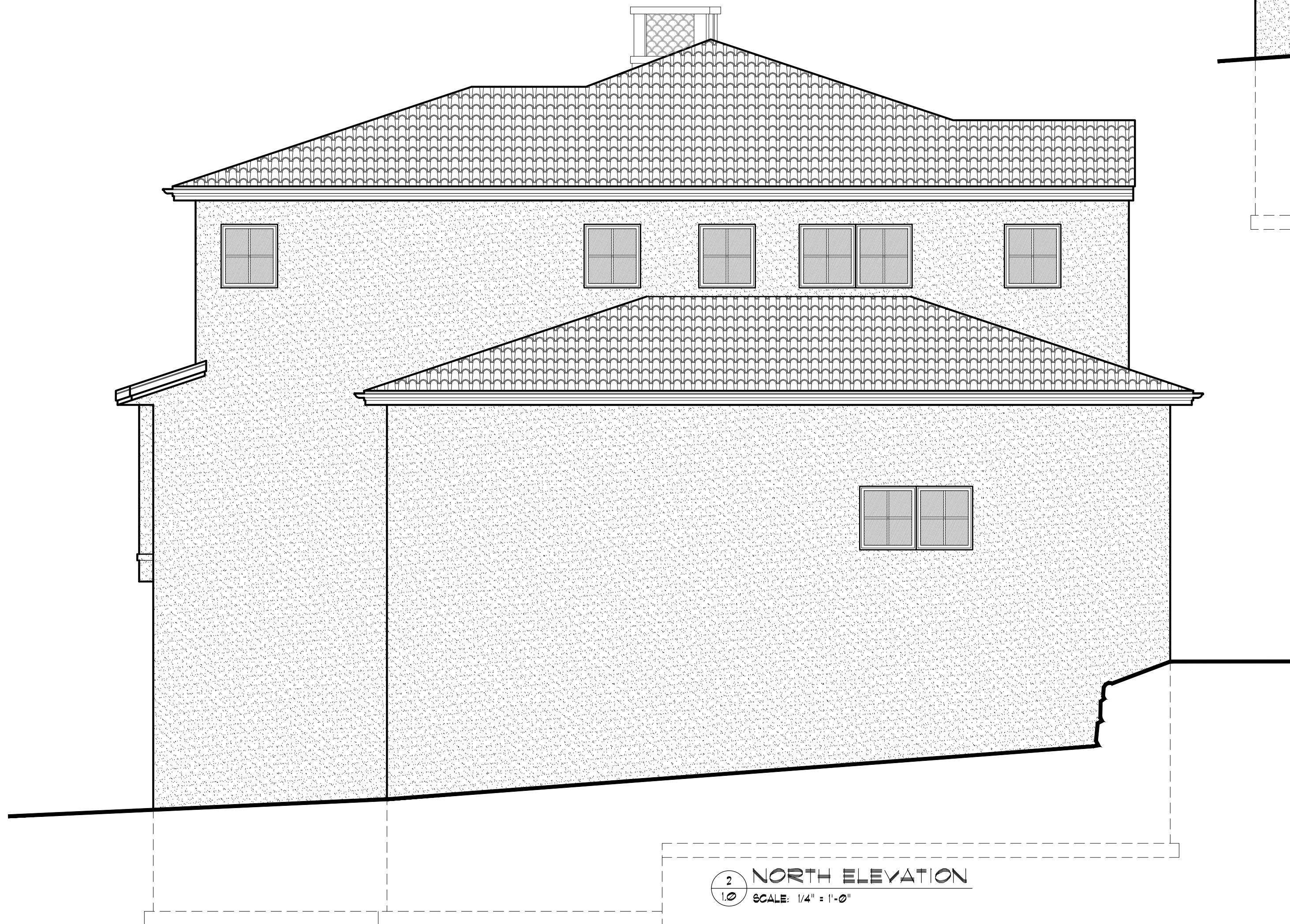
BIRCH RESIDENCE



JOHNSON &
ASSOCIATES,
ARCHITECTS

8469 224TH STREET NO.
FOREST LAKE, MINNESOTA 55025
PHONE 651.248.1342
E-MAIL TJARCH@COMCAST.NET

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PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT,
OR SPECIFICATION WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT I AM
A FULLY REGISTERED ARCHITECT UNDER THE
LAWS OF THE STATE OF MINNESOTA

DATE: _____ REG. No. _____

COMMISSION NUMBER: **2022489**

DRAWN BY: **tj**

CHECKED BY: **tj**

DOCUMENT DATE: **6/12/22**

ISSUED FOR: _____ DATE: _____

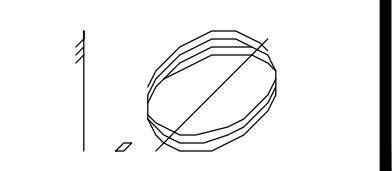
VARIANCE REQUEST **5/16/22**

WINDOW SIZE & R.O. **6/2/22**

REVISION: _____ DATE: _____

RAISE LOWEST FLOOR **6/15/22**

SHEET NO. _____



SHEET TITLE:
EXTERIOR ELEVATION



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

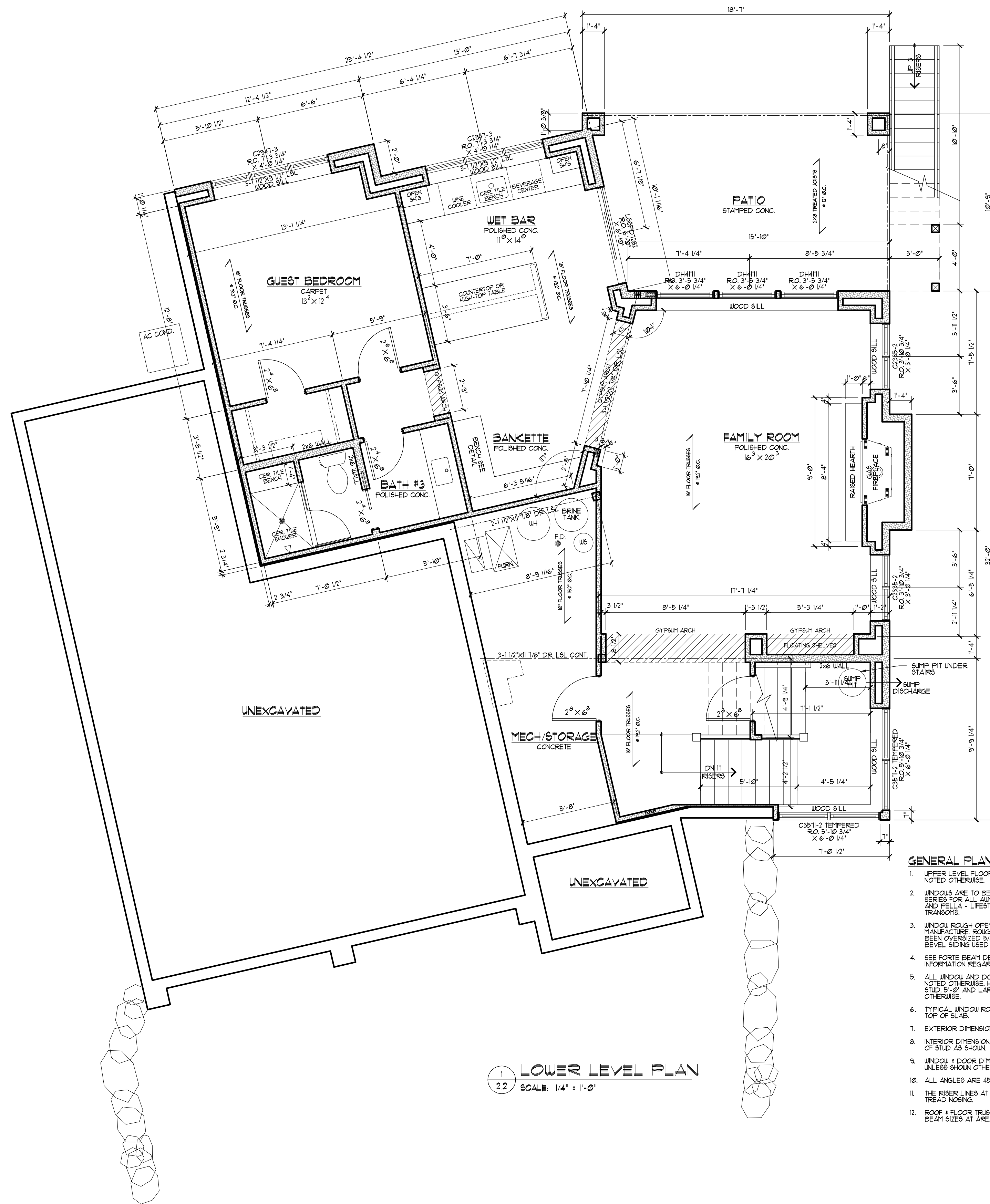


2 LAKESIDE ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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DATE	REG. No.
COMMISSION NUMBER: 2022489	
DRAWN BY: t.j.	
CHECKED BY: t.j.	
DOCUMENT DATE: 6/12/22	
ISSUED FOR: VARIANCE REQUEST	DATE: 5/16/22
WINDOW SIZE & R.O.	6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22



1 LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

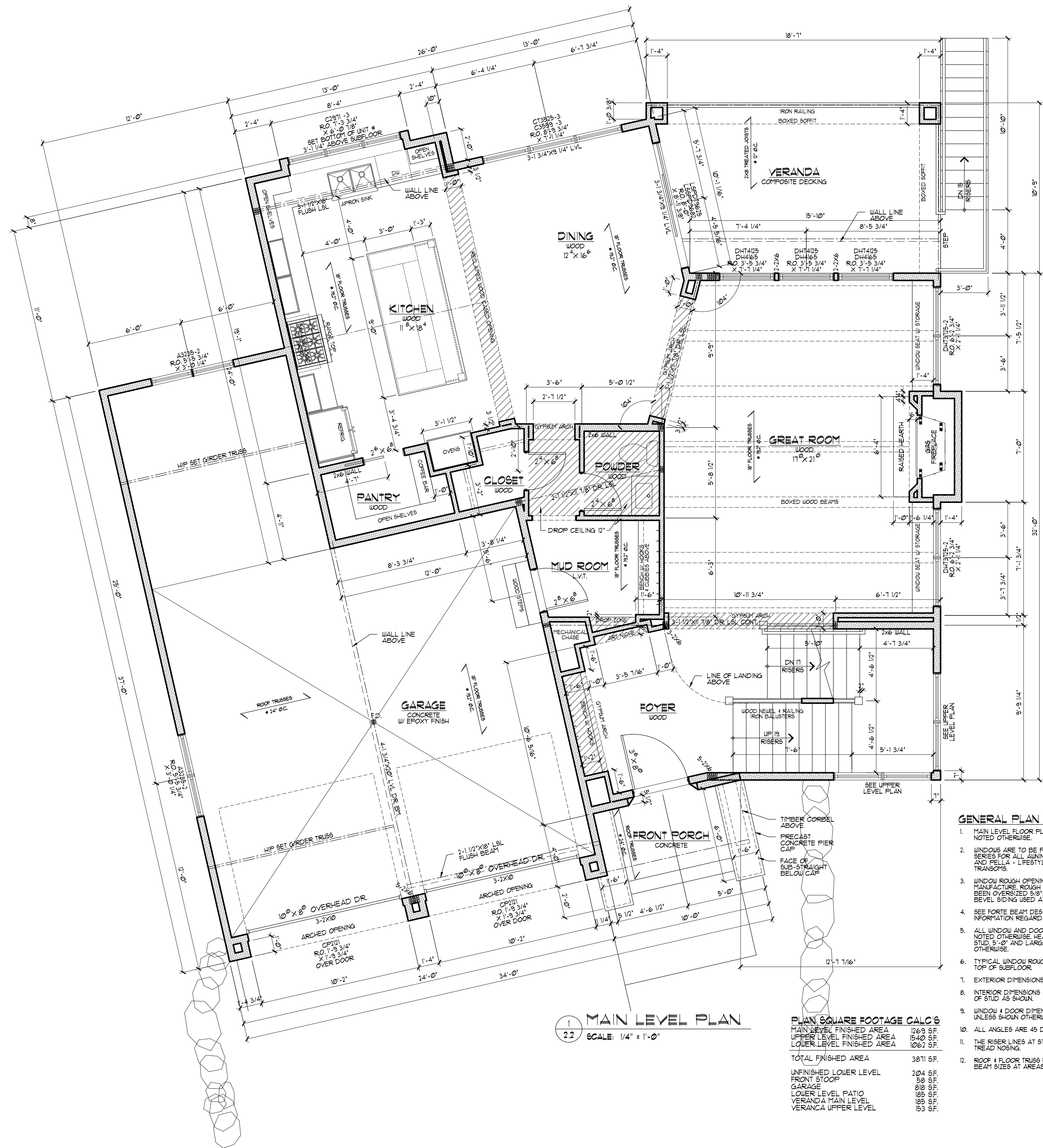
GENERAL PLAN NOTES:

1. UPPER LEVEL FLOOR PLATE HEIGHT TO BE 8'-0", UNLESS NOTED OTHERWISE.
2. WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWKING, CABINET, AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
3. WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR REGULAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
4. SEE FORTE BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
5. ALL WINDOW AND DOOR HEADERS ARE TO BE 2-2X6'S UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 12 TRIMMER STUDS UNLESS NOTED OTHERWISE.
6. TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 1'-8 1/4" ABOVE TOP OF SILL.
7. EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
8. INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
9. WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
10. ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
11. THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
12. ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GROSS TRUSS LOADS.

PROJECT: NEW RESIDENCE
OWNER: KRIS & KASEY BIRCH
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE	REG. NO.
COMMISSION NUMBER: 2022489	
DRAWN BY: t.j.	
CHECKED BY: t.j.	
DOCUMENT DATE: 6/12/22	DATE: 6/12/22
ISSUED FOR: VARIANCE REQUEST	DATE: 5/16/22
WINDOW SIZE 4 R.O.	DATE: 6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22



GENERAL PLAN NOTES:

- MAIN LEVEL FLOOR PLATE HEIGHT TO BE 10'-1 1/8", UNLESS NOTED OTHERWISE.
- WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWNING, CASEMENT AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
- WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR SILLAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
- SEE FORTÉ BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
- ALL WINDOW AND DOOR HEADERS ARE TO BE 2-2X10'S UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 12 TRIMMER STUDS UNLESS NOTED OTHERWISE.
- TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 8'-11 3/8" ABOVE TOP OF SUBFLOOR.
- EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
- INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
- WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
- ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
- THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
- ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GROSS TRUSS LOADS.

PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE	REG. NO.
COMMISSION NUMBER: 2022489	
DRAWN BY:	T.J.
CHECKED BY:	T.J.
DOCUMENT DATE:	6/12/22
ISSUED FOR:	
VARIANCE REQUEST	5/16/22
WINDOW SIZE & R.O.	6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22



1 UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"

GENERAL PLAN NOTES:

- UPPER LEVEL FLOOR PLATE HEIGHT TO BE 8'-1 1/8", UNLESS NOTED OTHERWISE.
- WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWNING, CASEMENT, AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
- WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR REGULAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
- SEE FORTÉ BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
- ALL WINDOW AND DOOR HEADERS ARE TO BE 2"x8"s UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 12" TRIMMER STUDS UNLESS NOTED OTHERWISE.
- TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 6'-11 3/8" ABOVE TOP OF SUBFLOOR.
- EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
- INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
- WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
- ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
- THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
- ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GIRDER TRUSS LOADS.

PROJECT:

NEW RESIDENCE

OWNER:
KRIS & KASEY BIRCH
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ REG. NO. _____

COMMISSION NUMBER: **2022489**

DRAWN BY: **l.j.**

CHECKED BY: **l.j.**

DOCUMENT DATE: **6/12/22**

ISSUED FOR: _____ DATE: _____

VARIANCE REQUEST **5/16/22**

WINDOW SIZE & R.O. **6/2/22**

REVISION: _____ DATE: _____

RAISE LOWEST FLOOR **6/15/22**

SHEET NO.

23

SHEET TITLE:
UPPER LEVEL PLAN



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: The Planning Commission
FROM: Ashton Miller, Planning Technician
DATE: June 27, 2022
SUBJECT: **Strand Minor Subdivision & Variance, 1986 Webber Street – Case No. 22-3-LS & 22-13-V**

SUMMARY

The applicant, Rollo Strand, is requesting a minor subdivision in order to untie two historic lots of record and a 1.3 foot variance from the 10 foot side yard setback to allow the existing home to sit 8.7 feet from the property line.

Based on the findings made in this report, staff has reviewed the request for compliance with the subdivision regulations and the zoning code and finds that the applicable requirements have been met. Staff further finds that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Rollo Strand

Existing Land Use / Zoning: Single Family; zoned R-4: Single Family – Two Family Residential

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-4: Single Family – Two Family Residential

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 7,200 sq. ft.; 60 feet
 Site: 13,465 sq. ft.; 100 feet

ANALYSIS

The subject site is located on the south side of Webber Street and west of Bald Eagle Avenue. The two historic lots of record were platted in 1883 in the Ramaley's Park subdivision. It is unknown when the lots were combined, but according to Ramsey County, the existing single family home was constructed in 1918.

Community Comment

Under state law and the City’s zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to all adjacent property owners. That notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. As of the writing of this report, city staff has not received any comments regarding this request. During the public hearing, staff will provide an update if any other public comments are received prior to the Planning Commission meeting.

Minor Subdivision

Subdivision approvals are considered quasi-judicial actions. As such, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements, the subdivision application should be approved. The City also has the authority to add conditions to an approval that are directly related to the application.

Standards for reviewing subdivision requests are outlined in Section 1407.030 of the City Code. The standards for review and staff’s findings for each are provided below.

1. The request shall not result in three (3) or less parcels
2. Located in an area already served by public streets and utilities
3. The request shall not cause any resulting property to be in violation of subdivision or zoning regulations.

The seventy percent rule allows two historic lots of record to be “untied” when they meet seventy percent of current size and width standards. The table below denotes the lot requirements for the R-4 Zoning District, seventy percent of that, and the proposed lot sizes. As shown, the two properties will be greater than seventy percent in both size and width, so can be untied and utilized as residential lots.

	R-4 Zoning District Requirements	Seventy Percent Rule	Proposed Lots
Size	7,200 sq. ft.	5,040 sq. ft.	6,730 & 6,735 sq. ft.
Width	60 feet	42 feet	50 feet

Further, the surrounding properties are generally 50 foot wide lots and similar in size, so the proposed subdivision will not be out of character with the neighborhood. In fact, when originally platted, all the lots in this neighborhood were 50 feet wide.

The properties have access to City sewer and water. Park dedication in the amount of \$1,200 will be due prior to construction on the new lot.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means

the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-4, Single and Two-Family Residential. The Zoning Code states the purpose of the R-4 district is to "provide for low and moderate density one and two unit dwellings and directly related, complementary uses." The proposed variance will allow the applicant to retain the single family home.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential, which allows a density range of 3 to 9 units per acre. Granting the requested variance will allow the property to be at a density of 6.67 units per acre, consistent with the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. Single-family homes are supported by both the zoning code and comprehensive plan. The proposed variance would allow the existing single-family home to remain with minimal variance from the zoning regulations.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner, namely the location of the existing home in relation to the property line of the historic lots of record. If the lot line were to be moved to meet the required setback, the lots would not be able to be "untied" and would then need both size and width variances granted. Further, the home was constructed prior to the adoption of the first zoning code, so the ten foot required setback was not applicable.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The majority of lots in this neighborhood are narrow and a number of the nearby homes encroach into the required setback. Staff conducted a quick analysis of the neighborhood, and of the eleven other houses on the block, at least six encroach into the side yard setback.

Rear Yard Cover

After the subdivision, Parcel A will have a rear yard coverage of 52.5%. The maximum allowed is 35% by right and up to 42% through an administrative variance. The applicant is proposing to remove the shed, which does not meet setback requirements, and a sizable amount of the driveway/sidewalk to meet the 35% limitation. If it is not reduced all the way down to 35%, the applicant will need to obtain an administrative variance.

There are no plans for construction of a home on parcel B at this time, but the buildable area of the lot is sufficient in size to support a home with no variances required.

RECOMMENDATION

Staff recommends approval of the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel B at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel B.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel B.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for Parcel B.
11. The shed and excess hard surface on parcel A shall be removed to conform to rear yard

cover limitations prior to the City's issuance of the signed resolution.

Attachments:

Draft Resolution of Approval

Zoning/Location Map

Ramaley's Park Plat Map

Applicant's Narrative & Survey (3 pages)

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION AND A VARIANCE
FOR 1986 WEBBER STREET WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Rollo Strand has requested a minor subdivision, per Subdivision Code 1407.060, to untie two historic lots of record, and a 1.3 foot variance from the 10 foot side yard setback, per Zoning Code Section 1303.060, Subd.5.c.2, to allow the existing home to sit 8.7 feet from the property line at the following location:

LOCATION: 1986 Webber Street

EXISTING LEGAL DESCRIPTION: Lots 13 & 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota. (PID #: 143022340045)

PROPOSED LEGAL DESCRIPTIONS:

(Parcel A) Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

(Parcel B) Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 27, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision and variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. The traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of conditional use permits are hereby approved.

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that the City Council, in relation to the variance, accepts and adopts the following findings of the Planning Commission:

RESOLUTION NO.

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel B at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel B.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel B.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for Parcel B.
11. The shed and excess hard surface on parcel A shall be removed to conform to rear yard

RESOLUTION NO.

cover limitations prior to the City's issuance of the signed resolution.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

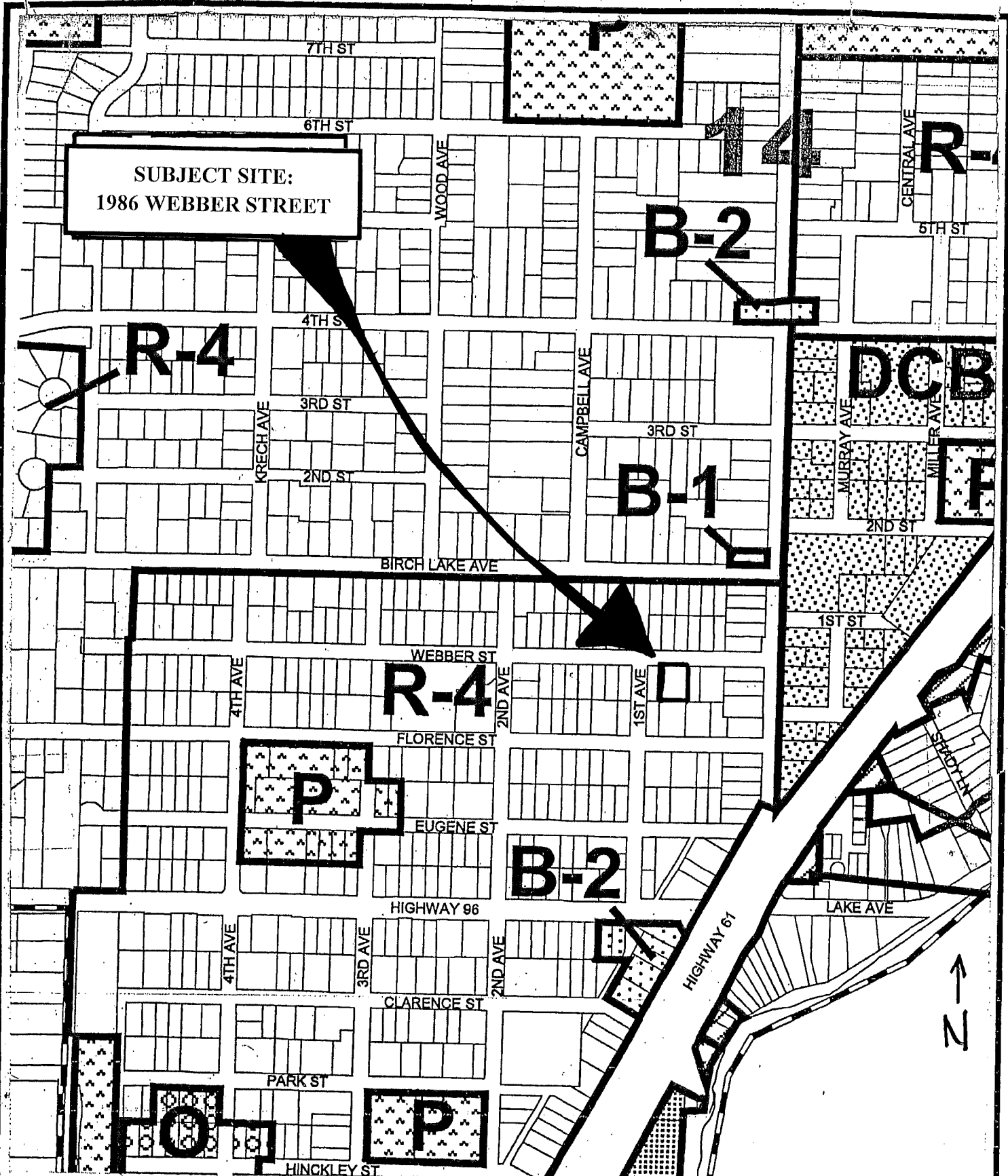
ATTEST:

Lindy Crawford, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature

Date



SUBJECT SITE:
1986 WEBBER STREET

R-4

B-2

DCB

B-1

R-4

P

B-2

HO

P

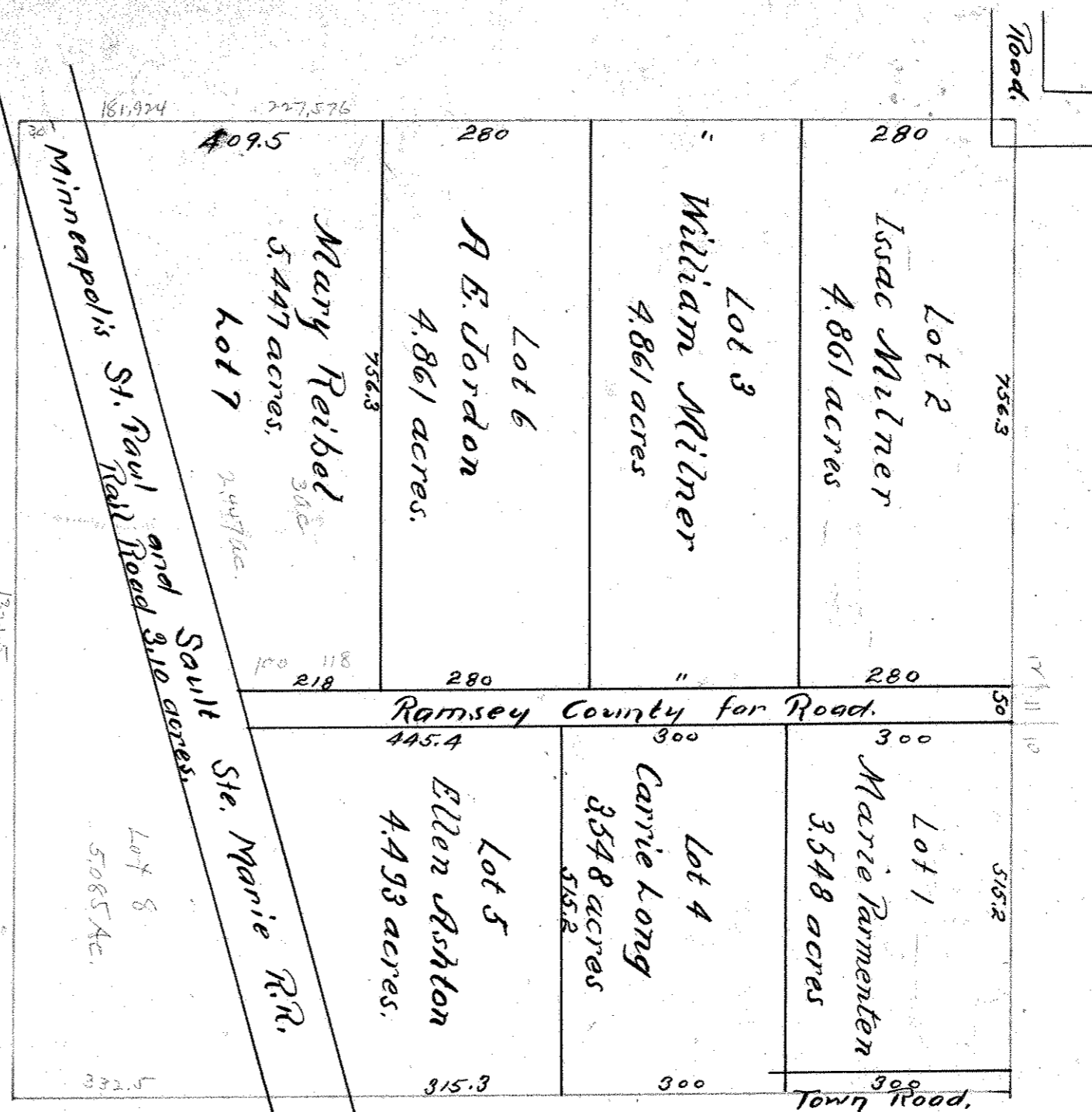
City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 22-3-LS + 22-13-V
CASE NAME : Strand
DATE : June 27, 2022

Commissioner's Subdiv.

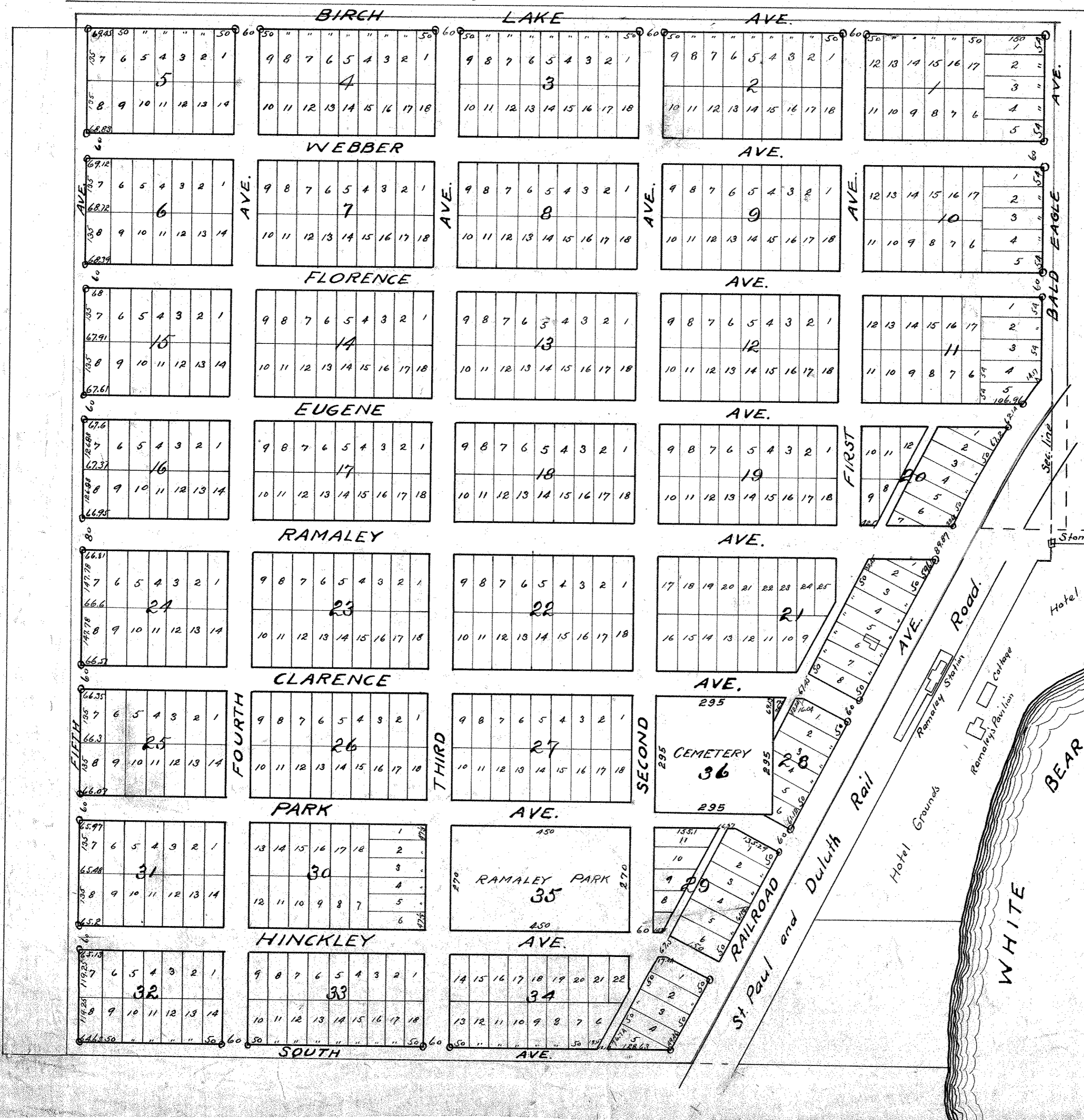
Scale 200ft. to an inch
DESCRIPTION
S.W. 1/4, S.W. 1/4 Sec 11, T.30, R.22

(See also Book 27, Miscellaneous Deeds, page 180.)



Ramaley's Park.

Scale 200ft. to an inch.
o Indicates Iron Monument



Recorded 1883
Book R Page 13
Gates A. Johnson Surv.
DESCRIPTION
All that part of the SE 1/4 of the SW 1/4 Sec. 14,
and the NW 1/4 of the NW 1/4 and Lot 1, of
Sec. 23, R.30 T.22; north and west of
the St. Paul and Duluth R.R. Cos. right
of way; except a strip 10 rods in width
across the west side of this plat, being
10 Acres.

1431
1882

To: City of White Bear Lake

5-16-22

Please accept my application for a lot split at 1986 Webber Street. I own the property and my son lives in the existing home.

We would like to split the lot and build another house at some point, possibly for our own retirement home.

Please also allow the variance for the homes side yard set back. We didn't build the house and were unaware it was too close until the survey was done. The shed is going to be removed so that is not a consideration.

The rear yard coverage is currently over at 52%. With removal of the shed and reduction of the driveway, I hope to get that number down to 35%. If not, I understand I will need reduce the coverage to 42% and get an administrative variance.

Thank you for taking this into consideration

Rollo Strand

REAR YARD COVER WORKSHEET

The rear yard is calculated as the area between the back building wall of the house and the rear property line. If there is a jog in the back building wall of the home, use the more predominant of the two walls (i.e. the longer one). "Cover" includes accessory uses and structures. Examples of an accessory use would be a patio or driveway. An accessory structure is garage, shed, deck or other built feature. (Items such as sidewalks, garden beds, fire pits, retaining walls and swing sets are not included.)

For properties less than 10,000 square feet in size, no combination of accessory buildings or uses per single or two-family home shall cover more than 35% of the available rear yard, or no more than 42% with administrative variance.

For properties 10,000 square feet in size or greater, no combination of accessory buildings or uses per single or two-family home shall cover more than 25% of the available rear yard, or no more than 33% with administrative variance.

Property Owner: Rollo J Strand

Site Address: 1986 Webber St White Bear Lake MN 55110

Lot Width (feet):	49.8
Lot Depth (feet):	134.7

Information on lot size can be found in your property records or on the Ramsey County GIS website: www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis

Please use sq. ft.	Existing	Proposed	Change
Garage	614		
Accessory Structures ¹	98	0	- 98
Driveway	969	690	309 - 279
Decks			
Patio Areas			
Other: Concrete walk	288	0	- 288
Coverage Total	1969	1304	
Rear Yard Area ²	3747		
Percent Covered ³	52.5%	34.8%	

¹ Gazebos, sheds, etc.

² Yard width times depth

³ Coverage Total divided by rear yard cover

Calculated by: E B Rudd

Date: 5-10-28

Staff Approval by: _____

Date: _____

CERTIFICATE OF SURVEY

~for~ ROLLO STRAND
 ~of~ 1986 WEBBER STREET
 WHITE BEAR LAKE, MINNESOTA

REAR YARD AREA CALCULATIONS LOT 13 & 14
 TOTAL LOT AREA 13,465 SQ. FT.
 REAR YARD AREA 7,471 SQ. FT.

EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 969 SQ. FT.
 EXISTING SHED IN REAR YARD 98 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 288 SQ. FT.
 TOTAL REAR YARD COVER 1,969 SQ. FT.
 PERCENT IMPERVIOUS 26.4%

REAR YARD AREA CALCULATIONS LOT 14
 TOTAL LOT AREA 6,735 SQ. FT.
 REAR YARD AREA 3,724 SQ. FT.

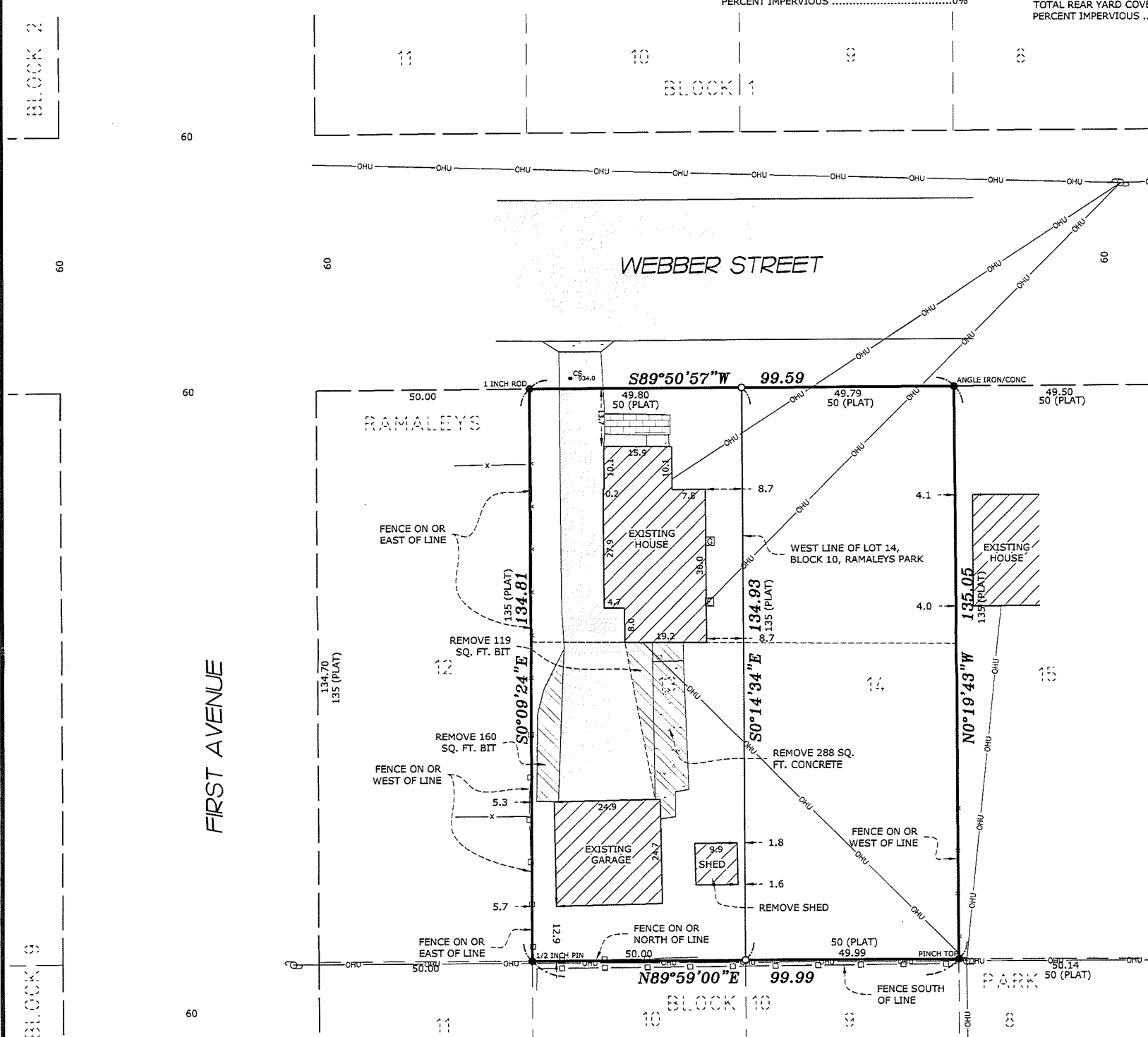
EXISTING GARAGE IN REAR YARD 0 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 0 SQ. FT.
 EXISTING SHED IN REAR YARD 0 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 0 SQ. FT.
 TOTAL REAR YARD COVER 0 SQ. FT.
 PERCENT IMPERVIOUS 0%

REAR YARD AREA CALCULATIONS LOT 13
 TOTAL LOT AREA 6,730 SQ. FT.
 REAR YARD AREA 3,747 SQ. FT.

EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 969 SQ. FT.
 EXISTING SHED IN REAR YARD 98 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 288 SQ. FT.
 TOTAL REAR YARD COVER 1,969 SQ. FT.
 PERCENT IMPERVIOUS 52.5%

**REAR YARD AREA CALCULATIONS LOT 13
 AFTER REMOVALS**

TOTAL LOT AREA 6,730 SQ. FT.
 REAR YARD AREA 3,747 SQ. FT.
 EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 REMAINING DRIVEWAY IN REAR YARD 690 SQ. FT.
 EXISTING SHED IN REAR YARD 0 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 0 SQ. FT.
 TOTAL REAR YARD COVER 1,304 SQ. FT.
 PERCENT IMPERVIOUS 34.8%



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 02/08/22.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 14-30-22-34-0045.
- Curb shots are taken at the top and back of curb.
- No improvements outside of fencing found on Lot 14.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- CS DENOTES CURB STOP
- EB DENOTES ELECTRICAL BOX
- GM DENOTES GAS METER
- P DENOTES POWER POLE
- F DENOTES FENCE
- WF DENOTES WOOD FENCE
- OHU DENOTES OVERHEAD UTILITY
- BS DENOTES BITUMINOUS SURFACE
- CS DENOTES CONCRETE SURFACE
- PS DENOTES PAVER SURFACE

EXISTING PROPERTY DESCRIPTION:

Lot 13 and Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

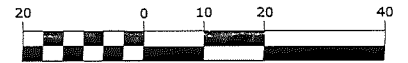
PROPOSED PROPERTY DESCRIPTION:

PARCEL A
 Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

PARCEL B
 Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

D. S. Hanson
 DANIEL S. HANSON

Date: 06/14/2022 License No. 52140

DRAWN BY:	DSH	JOB NO:	22.0045LS	DATE:	02/15/2022
CHECK BY:	KCM	FIELD CREW:	DT/CT		
NO.	DATE	DESCRIPTION	BY		
1	05/10/22	REAR YARD AREA CALCULATIONS	DSH		
2	06/14/22	REAR YARD REMOVALS 35%	DSH		
3					



E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

PROPOSED PROPERTY DESCRIPTION:

PARCEL A
 Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

PARCEL B
 Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

CITY COUNCIL MEETING SUMMARY

APPROVAL OF MINUTES – Approved

- A. Minutes of the Regular City Council Meeting on May 24, 2022
- B. Minutes of the City Council work session on May 24, 2022

APPROVAL OF THE AGENDA – Approved

CONSENT AGENDA – Approved

- A. Acceptance of Minutes: April Park Advisory Commission, April White Bear Lake Conservation District, May Planning Commission
- B. Resolution accepting a donation from the White Bear Lions Club Foundation to the City of White Bear Lake for the All-Abilities Playground at Lakewood Hills Park
- C. Resolution of continued support for Beyond the Yellow Ribbon
- D. Resolution authorizing an appointment of a representative to the Ramsey/Washington Suburban Cable Commission
- E. Resolution authorizing the transfer of on-sale wine and 3.2 liquor licenses for Donatelli's
- F. Resolution approving a Food Truck at Podvin Park for the School District for Night to Unite
- G. Resolution approving a temporary on-sale liquor license for the Pine Tree Apple Classic Fund
- H. Resolution approving use of the Armory Parking lot on a Marketfest Night for a Hockey Days 2023 Fundraiser
- I. Resolution approving a request by Mike Fox for three variances at 4985 Johnson Avenue
- J. Resolution approving a request by Annie & Dustin Carlson for five variances and a conditional use permit at 2505 Lake Avenue
- K. Resolution approving a request by Rebecca Pacheco for a special home occupation permit at 3791 Prairie Road
- L. Resolution approving a request by Prelude Holdings for a minor subdivision and recombination subdivision at 4870 Otter Lake Road
- M. Resolution approving a request by Paula Lobinsky for a time extension to an approved variance at 4372 Cottage Park Road
- N. Resolution approving a Utility Occupancy License with Canadian Pacific
- O. Resolution approving on-sale intoxicating, Sunday and 3.2% On-Sale liquor licenses for K & T King City Restaurant Inc.

VISITORS AND PRESENTATIONS – Nothing scheduled

PUBLIC HEARINGS – Nothing scheduled

UNFINISHED BUSINESS – Nothing scheduled

NEW BUSINESS – Approved

- A. Resolution approving a request by Schafer Richardson for concept stage approval of a planned unit development at 3600 and 3646 Hoffman Road

DISCUSSION – Nothing Scheduled

COMMUNICATIONS FROM THE CITY MANAGER

- The City is participating in several energy improvement projects including building automation, mechanical upgrades and a solar array at the Sports Center.
- Mayor Louismet, Councilmember Hughes, and City Manager Crawford recently attended Fire Operations 101, an event hosted by IAFF Union members from several Fire Departments.

ADJOURNMENT – 8:05 p.m.



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, APRIL 21, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Bill Ganzlin, Mike Shepard

MEMBERS ABSENT: None

STAFF PRESENT: Andy Wieteki, Parks Working Foreman; Paul Kauppi, Public Works Director/City Engineer; Lindy Crawford, City Manager

VISITORS PRESENT: Jorge Vega

2. APPROVAL OF AGENDA

It was moved by member **Ginny Davis** seconded by member **Mark Cermak**, to approve the agenda as presented with the addition of yearly park inspections and the BoatWorks Community Room being added to New Business.

Motion carried 7:0.

3. APPROVAL OF THE MINUTES

Minutes of February 17, 2022

It was moved by member **Mike Shepard** seconded by member **Victoria Biehn**, to approve the minutes of the February 17, 2022 meeting as presented.

Motion carried, 7:0.

4. VISITORS AND PRESENTATIONS

Jorge Vega is a resident of White Bear Lake and was inquiring about adding a mountain bike trail to one of our City parks. Jorge explained the different styles of mountain biking options that are often found in City parks. One option is a trail in the woods with open spaces that follows the natural contour of the land and gives the rider elevations changes with bumps and turns. The wood trail would consist of a few miles in length at minimum. The other option that is often found in City parks that don't have enough land available for a long trail is a skills area. These areas are usually the size of a hockey rink or slightly larger and offer jumps, bumps, steep banked turns and table tops in a confined area. The skills area offers a different skill level for every rider's ability. Often these areas look like and mimic a skate park but are specifically designed for bikes.

The Commission members asked Jorge a lot of great questions including how large of a foot print would be needed for a trail to make building one worthwhile. Jorge explained that the trails are usually 18" - 24" wide with light clearing of underbrush but little to no disruption to mature trees and vegetation to the surrounding area of the woods. Most trails are between 3 and 10 miles in length. Another question asked was about regular maintenance on the trail and if that is done by volunteers or City staff. Paul Kauppi, who is an avid biker and heavily involved with this sport, told the Commission that he volunteers with a group to maintain a local bike trail where he rides but other trails that may be located in a county regional park would be solely maintained by the county park employees. It is up to each agency to decide how they would proceed with maintenance. The next question was about locations that the City may have for a trail of this type. The only open space available is at Lakewood Hills Park in the wooded northeast corner of the park. Andy showed a map of the area of about 7.9 acres in this area. Paul has a contact with MORC (Minnesota Off-Road Cyclists) and will consult with them on whether it would make sense to install a trail in the outlined area. Bill asked Paul Kauppi and Andy if they would be willing to reach out to MORC and visit the site before the next scheduled Parks Advisory Commission Meeting.

City Manager, Lindy Crawford, formally introduced herself to the Parks Advisory Commission members. She is visiting each commission, taking the time to meet the members and to thank them for serving in this capacity. The Commission members welcomed her to the City and to future meetings – if she wishes to attend.

5. UNFINISHED BUSINESS

A. 2022 Parks Capital Improvement Budget Discussion

Andy explained that he will continue to leave the CIP budget discussion on the Agenda for the meetings. He would like to keep this conversation open to any discussions about future projects and the possibility of moving things around to add new projects that haven't been planned for in our CIP to date. Paul explained that one project that may move some projects around is updating and standardizing our park signs which is following a larger project of updating the City's entrance signs.

B. Peace Pole Placement

Andy Wieteki updated the Commission on the Peace Pole project that the Rotary Club started last year. Andy spoke briefly on the placement for both poles. One pole will be along Lake Avenue trail near 5th Street and the other pole will be at Rotary Park off the trail in the open area leading to the pavilion. The Park Advisory Commission questioned when the poles would be installed. The City is working with Darrell Stone of the Rotary Club on those dates. Both poles will be installed at the same time.

C. Marketfest Spot

Andy Wieteki questioned if the Parks Advisory Commission Members were serious about staffing a stand at Marketfest. The Commission unanimously voted yes. The next

question is do we want to staff this for every Marketfest; and if so, it would interfere with a couple of the Thursday night Park Advisory Commission Meetings. Mike Shepard suggested that maybe this year it is staffed enough for everyone to volunteer one night that isn't in conflict with the already scheduled meetings. The Commission agreed and Andy will send an e-mail with dates. Everyone can sign up for dates that work with their schedules. Lindy Crawford offered City swag for the Marketfest stand to hand out to individuals that stop by the tent. Paul Kauppi suggested that the new GIS person could provide park maps and information to distribute as well. There will be more information at the next meeting about the processes leading up to and after the event.

6. NEW BUSINESS

A. 2022 Arbor Day

Andy announced that this year's Arbor Day Event will be held on May 19th during the May Park Advisory Commission meeting. This year's event will take place at Weyerhaeuser Park and the Commission will be planting trees along a neighboring property where dead trees were removed last season.

B. Lions Park Restroom Remodel Sketches

Andy Wieteki presented the two final sketches that Rust Architects drew up showing the possibilities for this restroom project. The Commission unanimously approved the look of the design that includes a lot of similar features to the restroom at Matoska Park. Andy provided the budget number for the design and it is roughly \$107,000 but that doesn't include some items or the cost of the professional services for Rust Architects. As for a time line, we are looking at tentatively starting mid-summer. Due to the dollar amount, the project will go out for bid. The City hopes to receive three competitive bids from local contractors.

C. Summer Park Tours

As is done every summer, the Park Advisory Commission Meetings will occur at a different park every month. Each month the Commission will conduct the meetings at a new park. The Commission will take a lap around the park looking at the facilities, current amenities and future projects.

The schedule for this summer's park tours is as follows:

May – Weyerhaeuser Park

June – Lions Park

July – Podvin Park

August – Hidden Hollow Park

September – Lakewood Hills Park

D. Yearly Park Inspections

Bryan Belisle would like to continue with the yearly park inspections where each of the

Parks Advisory Commission Members visits select parks and reports back to the Commission on how the park is being used, identifies issues, recommends additions and identifies the best features of the park. In anticipation of Bryan's suggestion, Andy had already created lists of new parks for each member to visit. The reports should be e-mailed to Andy before next month's meeting where they will discuss the findings.

E. Boatworks Commons Community Room

Bryan Belisle is concerned over the usage and availability of the Boatworks Commons Community Room to the community. The rental hours are limited to morning and early afternoon time slots. Bryan would like to see this open up for more usage in the evening and during the week. The cost to rent the space also seems to be out of line with other spaces of similar size around the community. Victoria mentioned that she was looking to rent this room for a shower but the price was too expensive so she moved her party to Podvin Park. She agrees with Bryan that the City may need to re-evaluate the price the City charges to rent this room. The Commission asked how often the room gets rented; but unfortunately, all of the events are scheduled through the Sports Center so none of the City Staff present have the information necessary to answer this question. Bryan asked if the Commission can get a report for the May meeting of who is using this room and how many times it is rented to a non-civic group. Lindy Crawford stated that the City Council adopts the fee schedule for this room but she will look into the fees to see if they are currently in line with other venues that are similar to the Boatworks Commons Community Room.

7. DISCUSSION

A. Staff updates

Ice Damage at City Marina

Andy Wietecki updated the Commission on the damage that incurred at the City Marina. The damage to the area will delay getting the marina up and running for the season. The Commission questioned what, if anything, can be done to prevent this from happening in the future. Andy will be reaching out to other marinas in the area to see how they manage the ice in the spring. The City aerates the marina which melts the ice in the beginning of March. However, short of removing the docks, which would be nearly impossible, there aren't many feasible options.

B. Commission member updates

Because the meeting in March was cancelled due to low attendance, the Commission members shared where everyone went for their spring break. Both Bryan and Bill spent time in Florida, Anastacia and her family hung out in the jungle and Mike was in the White Bear Lake Lions Club Annual Show.

- C. Other Business
None.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Mike Shepard** to adjourn the meeting.

Motion carried, 7:0